

CAZON
XC20
-L20

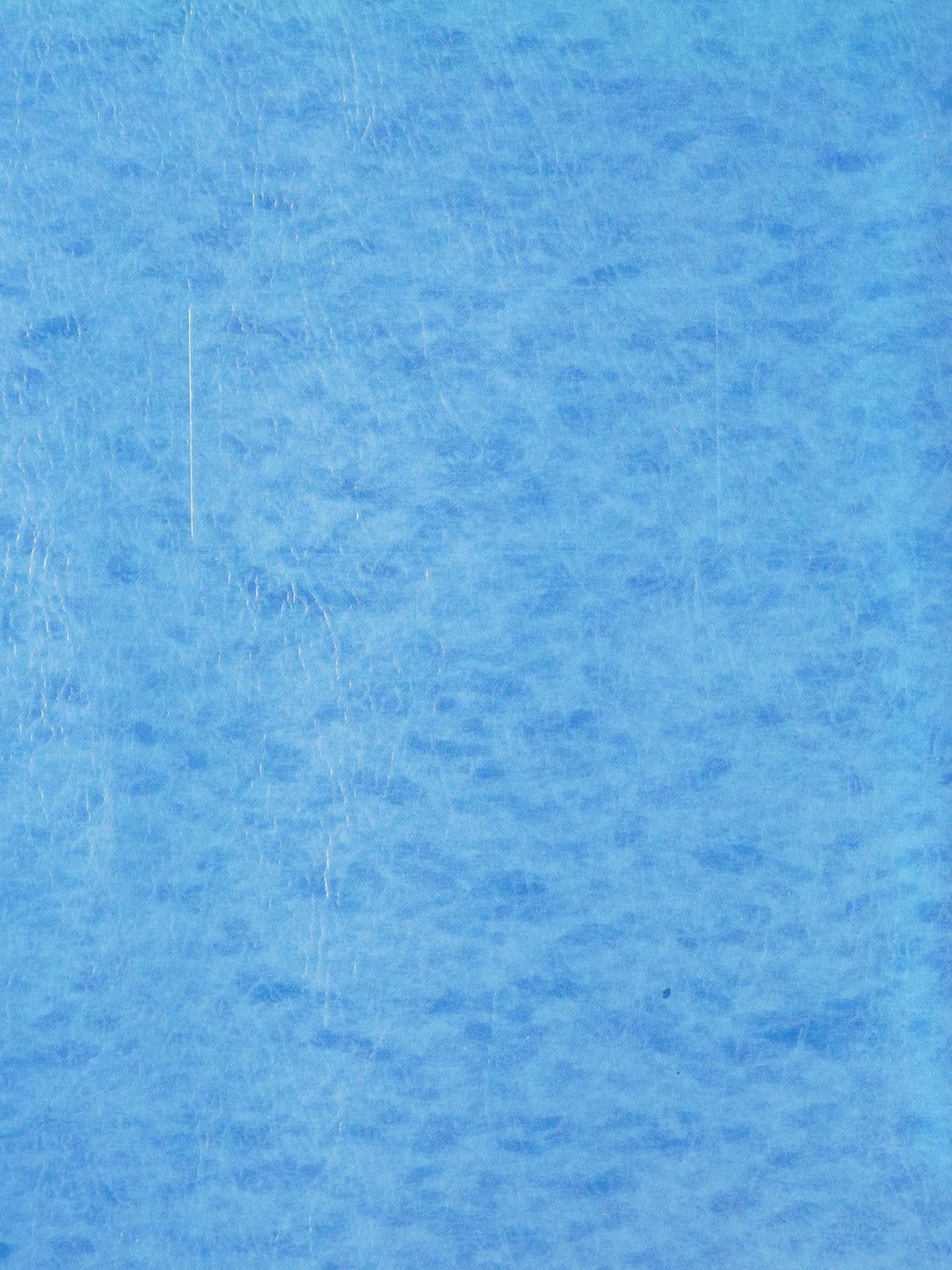
Government
Publications

Ontario. Legis. Assembly.
Standing Cttee. on the
Legislative Assembly
Debates

34th Parl., 2nd Sess.

1-12

1990





CA20N
XC20
-L20

Government
Publications

No. M-1 1990

Hansard

Official Report of Debates

Legislative Assembly of Ontario

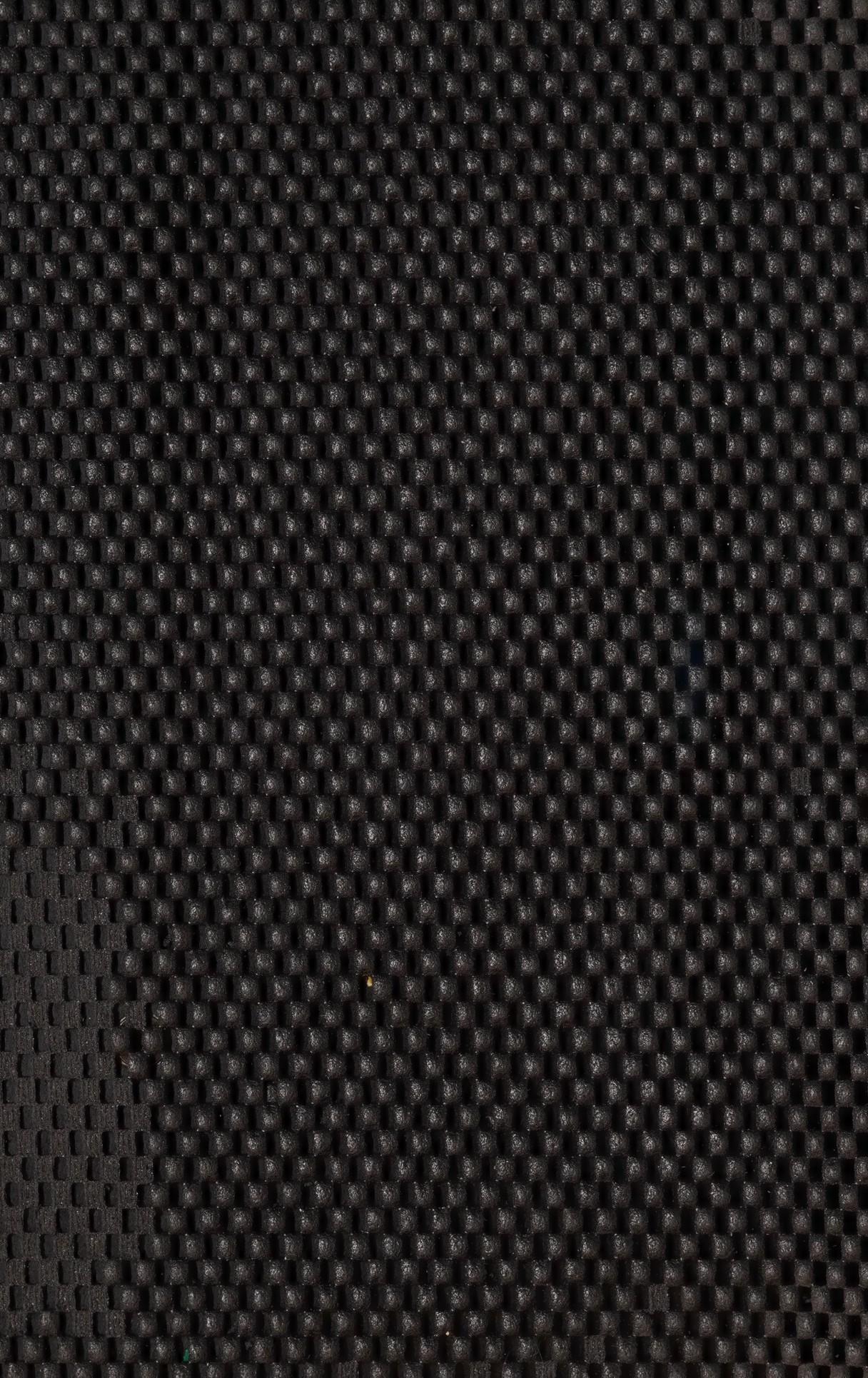
Standing Committee on the Legislative Assembly
Freedom of Information and Protection of Privacy Act, 1987

Second Session, 34th Parliament
Tuesday 23 January 1990



Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan





CAZON
XC20
-L2D

Government
Publications

No. M-1 1990

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on the Legislative Assembly
Freedom of Information and Protection of Privacy Act, 1987

Second Session, 34th Parliament
Tuesday 23 January 1990



Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

REVISED NOTICE TO SUBSCRIBERS

Beginning with the resumption of the Legislative Assembly on 19 March, not the opening of the Third Session later in the year, the page size of Hansard will be increased to $8\frac{1}{2} \times 11$ inches from the present $6\frac{1}{2} \times 9\frac{1}{2}$.

Production of bound volumes of Hansard has been discontinued. Subscribers to the current session who wish to have a set bound at their own expense but who are missing some sittings may obtain complete sets or duplicate issues from the address shown at the bottom of the page.

However, beginning 19 March, complete sets will no longer be available. Subscribers who plan to have sets bound are advised to retain their individual copies.

The list of errata, usually included with the bound volumes, this year will be included with the index. This is the last time that such a list will be provided.

Because all committee sittings now are being formally printed, separate subscriptions are required for sittings of the House and sittings of the committees. Separate indexes also will be published for the House and the committees. Effective the end of 1989, they will be on a calendar-year basis, not sessional as at present. Page and sitting numbers now run from the beginning of the year rather than the beginning of the session as before.

Subscription information may be obtained from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Tuesday 23 January 1990

The committee met at 1007 in committee room 2.

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT, 1987

The Chair: I am going to call this meeting of the standing committee on the Legislative Assembly to order. I want to welcome the members back after a holiday, some longer than others.

We have before us this morning a matter of some importance concerning the Freedom of Information and Protection of Privacy Act, 1987. Some time ago this committee agreed that we would have someone from the ministry make a presentation, and also someone from the Office of the Information and Privacy Commissioner this morning.

I hope that we are going to be able to finish this morning because I know a number of members have other business this afternoon. If it is necessary to meet this afternoon, we will meet this afternoon, but at this point I do not think it will be. We will see how the morning progresses. My intention is to try to finish around 12 o'clock, but if necessary we can go to 12:30 or a little longer in order to accommodate as many members as possible who have some other obligations this afternoon.

The delegation before us this morning from the Management Board of Cabinet consists of the director of the freedom of information and privacy branch, Frank White; Terry Campbell—I guess he is in the back and he is welcome to come up if he wishes—and Priscilla Platt, who is the legal adviser. I am not sure you need your own counsel this morning, Mr White, but it is nice to have one anyway. Welcome to the committee this morning. I believe you have a statement, and then we can have questions after that.

MANAGEMENT BOARD OF CABINET

Mr White: Yes, what we thought we would do is provide a brief overview of the legislation, various parts of it, make it as interesting as we can, give a few examples of what is happening in the provincial government ministries and agencies, have a short video on the privacy protection requirements of the bill and end off with some questions and answers, if that is satisfactory.

We are pleased to have the opportunity to informally discuss the act with the committee prior to the start of the three-year review. The act is administered by the Management Board of Cabinet. The minister is Murray Elston. I am director of the freedom of information and privacy branch. The branch was organized some three years ago to assist with implementation of the legislation in provincial ministries and agencies, and now we provide operational policy and legal advice to the ministries and agencies about the act, liaise with the Information and Privacy Commissioner's office and also provide certain information to the public.

Section 68 of the act, which you are familiar with, requires that within three years after proclamation of the act the standing committee on the Legislative Assembly will take a comprehensive review of how the act has been operating and, within a year after that, make recommendations to the Legislative Assembly. I understand that will be starting shortly.

The act came into force for provincial ministries and agencies on 1 January 1988, so it has been in operation some two years now. The act covers all ministries and also some 250 provincial agencies. I have—actually the clerk of the committee has—a directory of institutions which lists all the organizations that are covered by the provincial act, who the head is, the purposes of the act and who to contact for freedom-of-information requests. Generally the agencies that are covered are those that are regulatory and advisory, the commercial agencies, like Ontario Hydro, and some cultural and educational agencies, like the community colleges.

Originally when the act was passed it was also to cover, on 1 January 1991, some 2,500 municipalities and local boards. Once the act was passed and in force, though, there was a review of the act and there were some differences in administration, which had to be dealt with, with the municipalities and local boards. Rather than amending the provincial act, a separate act was introduced, which was Bill 49, the Municipal Freedom of Information and Protection of Privacy Act. That was introduced last year. This deals specifically with freedom of information in municipalities and local boards. This bill re-

ceived royal assent in December of last year and it will be in force on 1 January 1991.

At the same time, and this is just to update you on what has happened legislatively since the provincial act was passed, Bill 52, the Municipal Freedom of Information Statute Law Amendment Act, was introduced. That provides consequential amendments, because of the municipal bill, to the provincial act. All those consequential amendments do not come into force, with the exception of one minor one, until 1 January 1991 when the provincial act comes into force. An example would be the ability to transfer a request, if a provincial ministry gets it, to, for instance, a municipality. So those are the types of consequential amendments that were made to make it easier, in some cases, for the public to use both acts and not have no ability to transfer requests if they are covered by two different acts, the organizations. That was Bill 52.

Last, the committee dealt with Bill 84, the Freedom of Information and Protection of Privacy Amendment Act, this year, which dealt with confidentiality provisions in other statutes. I will not go into that, except that it was passed last year in December and was effective on 1 January of this year. What it does is provide some additional exemptions to the exemptions that are already in the provincial Freedom of Information and Protection of Privacy Act, resulting from a review of the confidentiality provisions in all the statutes in the province. Those confidentiality provisions have acted as additional exemptions over the past two years. They all dropped off of as 1 January of this year unless they were specifically re-enacted, and a few of them were specifically re-enacted in Bill 84.

The provincial Freedom of Information and Protection of Privacy Act is based on four principles.

The first principle is that an individual has a right of access to information that is held by organizations that are covered by this act, the general right of access.

The second principle is that if there are going to be exemptions, those exemptions are going to be limited and specific. So you will see when we go over the exemptions generally, if you get in and actually read the various sections, there is quite a lot of detail about the exemptions, but that is rather than having a very wide, broad exemption that tries to zero in on exactly what the exemption is trying to protect.

The third principle is that if there is a decision, there should be an independent review of that decision, and an Office of the Information and

Privacy Commissioner has been set up to hear any complaints that are generated when a ministry or agency refuses access. That commissioner, Sidney Linden, reports to the Legislature. He will be with you tomorrow, so I will not go into his role and responsibilities at all. He will be discussing that.

Last, in the area of personal information, generally an individual has a right of access to his personal information. Also, if a ministry or agency has personal information, there should be a right of privacy protection for that information. We will discuss that a little further on.

There are two definitions of the act that I would like to bring to your attention. One is on a record. That is on page 8 of the act. Generally what it is saying is any information that a ministry or agency has is considered a record, no matter what the medium it is on. Whether computer tape, microfilm or paper, if it is under the custody or control of a ministry or agency, it is subject to the act and a requester making a request.

The other is an area of personal information. Again, it is a fairly extensive definition. It is anything about me as a person. Not about a company; it has to be about a human being. Anything about me—including my financial information, my medical information, my social insurance number, my fingerprints, your opinion about me—is my personal information. So it is a fairly comprehensive definition of what would include personal information.

The other thing I would like to point out before we sort of generally go into the act is the inherent balancing that takes place. I mention this because it has proved somewhat difficult in terms of ministries and agencies. The commissioner's office, I believe, would be of the same view, that you have the access on one hand and you have these legitimate needs for confidentiality or privacy protection on the other hand and many times it is very much a balancing of those interests to determine what the result is going to be. Many times when a ministry or agency does that, the decision is appealed and in fact the commissioner will agree or disagree, but again, he has to go through this balancing.

I give you an example of a complaint. This was one actually handled by the commissioner where individuals A and B complained about a ministry employee in terms of their employment. The ministry employee, and actually his spouse, requested the complaints. They made a freedom-of-information request for those complaints because in fact there was information about

them. There were also opinions of the complainants.

In the first instance the ministry denied access to those, saying that it would be an unjustified invasion of the two complainants' privacy. That was appealed to the commissioner. The question is, first of all, whose personal information is this? In fact, it ends up that it is both the complainants' and the requesters'. So then where do you draw the line? Should the complainant or the requester get this information about him when the person who made the complaint expected that complaint was being provided on a confidential basis?

There is not a right or wrong answer in a situation like that. It requires, in this case, a decision by the commissioner. In fact, he ruled that the complaints in that particular case should remain confidential and they should not be disclosed to the requester. There is a lot of this difficulty in terms of balancing. It is not necessarily that clear a lot of the time because of the situations that are involved.

The decisions that are made for purposes of the Freedom of Information and Protection of Privacy Act are made by the head. In the act, the head is defined as the minister, on the part of the ministry, and the chair of the board, which would be in the regulations, in terms of an agency. There is the ability for the head to delegate decision-making in writing, and so in many situations it has been delegated in different ways in ministries.

For instance, in my ministry, the minister has delegated to the deputy minister. In some ministries the ability to make a positive decision on grant access has been granted to, let's say, a regional director, with the deputy retaining any refusal of access decisions. There have been a number of different ways that it has been delegated, and that delegation must be in writing.

The other key roles, aside from the head, are each ministry has a freedom of information and privacy co-ordinator. That person is, I guess, a first stop in terms of making a request. Those co-ordinators are listed in the brochure that I have provided to you. They generally co-ordinate the process in a ministry. In many, many cases that is a part-time responsibility of someone who has other duties. In about—this is a rough guess—maybe 12 ministries it is a full-time responsibility because of the number of requests they get, and probably two or three of the larger agencies. The rest are all part-time responsibilities.

The other key player in this is the Information and Privacy Commissioner. He has been set up to independently review decisions when a requester

does not agree with the decision that has been made. Anything from a refusal of access to a fee estimate to final fees can be appealed to the commissioner. The result of an appeal is that the commissioner will make an order that is binding on the ministry or agency. Of course, as you would assume, all the ministries and agencies have complied with the commissioner's orders over the past two years in terms of disclosing or not disclosing records and determining a fee estimate.

1020

As I have mentioned, we had to present this in three parts. The first is on the right of access and the exemptions and the second is on the process. Priscilla Platt will go through the right of access and the exemptions and then Terry Campbell, with the freedom of information and privacy branch, will go through a typical access procedure when somebody makes a request and what are the steps followed by a ministry and the results to the requester. Finally, I would like to discuss some of the numbers of requests and things that have happened over the past two years with the committee. Then we do have a short video also. Unless there are questions now, I could turn it over to Priscilla Platt, unless you would care to—

The Chair: If there are some initial questions, we can entertain them at this time. If not, we will—

Mr J. M. Johnson: I have some general questions.

The Chair: Do you want to hold those for the time being, Jack? We will let Priscilla Platt make her presentation.

Mr J. M. Johnson: What about the polls commissioned by the government? Are they subject to this legislation?

Mr White: They are subject to the act, yes. I believe there was a request and the polls, if they had not already been disclosed, were disclosed.

Mr J. M. Johnson: So all polls will be subject to this?

Mr White: They are subject to the act.

Mr J. M. Johnson: Would there be any reason why a poll should be exempt?

Mr White: There would not be any reason why a poll would be exempt from the act.

Mr J. M. Johnson: The member for Carleton (Mr Sterling) had expressed some concerns over the past period of time. Some of the information he was requesting was either not being provided or there was a cost factor built in. Has that been

addressed? Since he was on the steering committee, I would assume that—

The Chair: The cost factor? No, I do not think that has been addressed. I think what we should do is let's leave these questions until Priscilla Platt has a chance to make her presentation.

Mr J. M. Johnson: I have one other general question. On the other side of the coin, certain consulting companies, for example, may want you to do your their homework for them. They want information and they think, "The easiest way maybe is just simply to request it," and then it is provided for them. Has that been addressed?

Mr White: There will be question of fees that will come up when Terry Campbell presents the access process procedure.

Mr J. M. Johnson: There would be a fee for that type of—

Mr White: There are fees associated with the act.

The Chair: Unless they go to the opposition members and ask them to. Do you want to proceed, Ms Platt?

Ms Platt: Yes. As you have heard, there are several principles of the act. Dealing with access and exemptions, there are two principles that are important. They have already been indicated by Mr White. Access by the public is a fundamental principle of the legislation, and a correlation to that is that exemptions, if they exist, should be limited and specific.

In keeping with the principle of access, you should be aware that section 63 of the legislation provides that each request does not have to be a formal request under the Freedom of Information and Protection of Privacy Act. In other words, there is nothing in the act that prevents an oral request or the absence of a formal request being legitimate. If the information can be given out without the Freedom of Information and Protection of Privacy Act being engaged, then that is acceptable as well.

In addition to this, pre-existing access by customer practice is also legitimate under this act, and this continues. In other words, if in the past, prior to this legislation, or concurrent with it, by customer practice information has been given out, then that continues to be the case and the Freedom of Information and Protection of Privacy Act will not interfere with that.

As well, in section 11 of the legislation there is an obligation to disclose information where there is a significant environmental or health hazard to the public. There is no need for a request to engage section 11 at all, so that the head is

required to see that information goes out to the public in these circumstances irrespective of a request.

There is a handout that has been given out—I am assuming most of you have it—dealing with the exemptions, which I will get into now. These are in part II of the legislation, in sections 10 to 23. Again, just to reiterate, there is this principle that the interpretation of exemptions should be limited and specific. So that whereas access is a broad interpretation—that is, the broad principle—where there are exceptions to that, they should be limited and specific. Most of the exemptions are based on a harms test, so that the ministry would have to establish that there is some injury resulting from the release of the information in respect of most of these exemptions.

There are two types of exemptions, mandatory and specific. You will see from your list, page 1, that there are three mandatory ones, and those have been noted in the legislation by the use of the term "shall" as opposed to "may" for the discretionary. The second page shows the discretionary. It is obvious that there are many more discretionary exemptions than mandatory ones.

In respect of the discretionary exemptions, the head would have the discretion to release the records if that is appropriate in the circumstances. In general, in respect of the mandatory exemptions the records cannot go out, although there are some exemptions to that as well. The mandatory exemptions are:

First, the cabinet records: Those have traditionally been kept private, and they remain private under this legislation unless the executive council consents to the release of the records.

The second one is third-party information and generally this deals with certain information supplied in confidence to the government ministries where a harm will result. This is in section 17.

The third and final mandatory exemption is in respect of personal information, and this deals primarily with information about someone else. If I, for example, wanted the chairman's personal information, section 21 would be engaged so that I would not be able to get that. That is generally the test, although there is a balancing test in there and there is in subsection 21(4) provision for certain information going out. That would be salary range and that sort of thing.

Dealing, then, with the discretionary exemptions:

First, advice or recommendations to government: Generally speaking, the advice or recom-

mendations of a civil servant will not go out, or that is at the discretion of the head. There is this exemption that could apply. The exception to that is factual material, generally where there has been a study, statistical analysis or something of that nature and in appendices—that is, appended perhaps to advice or recommendation—and the idea is that this study, paid for by the taxpayers, would go out.

The second exemption that is discretionary is in respect of law enforcement. The intention there is to protect the integrity of policing activities.

The third one is in relation to intergovernmental records, government records that are provided in confidence to another government. These records may, at the discretion of the head, be exempt.

The fourth one deals with defence matters, matters involving the defence of the province. Those matters could be exempt, for obvious reasons, and they are discretionary exemptions.

Fifth, economic and other interests: Those records whose release could effect the economic or other interests of the province or of the ministry or the institution might be exempt at the discretion of the head. They might, for example, impede negotiations that are ongoing. That sort of thing is being protected, potentially, by section 18, which is economic or other interests.

The sixth discretionary exemption is the solicitor-client privilege. Where a lawyer is giving advice, both in terms of the common law privilege and in terms of the litigation privilege, as it has been referred to, it is again at the discretion of the head. There is a discretionary exemption in respect of those records.

The seventh discretionary exemption has to do with the release of records that could endanger the health or safety of an individual. For example, if an individual released on parole is the spouse of someone he attempted to murder and he then makes an FOI request to get the address of his spouse or a witness who has had protection and so on, this potential exemption would exist to protect that spouse or witness.

1030

Finally, the discretionary exemption for published or soon-to-be published information: If a minister, for example, has published information that is available to the public and someone makes an FOI request for that information, he can indicate, at his discretion, that the information is already available to the public and therefore not give it out pursuant to an FOI request.

Those are the exemptions, both mandatory and discretionary.

Section 23 provides that in compelling circumstances, called the “compelling public interest override” by some, many of these exemptions would not apply and access would be given. If a member of the public could establish that these extreme circumstances exist to warrant overriding an existing exemption, then those records would go to the public.

Another fundamental aspect of the act is the right of access to one’s own personal information. If I make a request for my own records, the act does state that I am entitled, subject to certain exemptions, to my own records. That is provided in part III of the act, and primarily in sections 47 to 49.

The right of access here to your own personal information is subject to certain exemptions. Many of the exemptions that we have already discussed would apply. For example, if I made a request for my own records to determine whether the police were investigating me for something, then of course it would not be in the interest of the public for me to know that and the law enforcement exemption, for example, could apply. That is the purpose of that provision.

In addition to that, for example, if I request my own personnel file and disagree with something that is in it, there is a right of correction available to me. So while I cannot force the ministry to change its records, I can force it to include a note of my disagreement with its records in its files.

It might be interesting for members to know that in terms of the statistics, the claimed exemptions—that is, the exemptions that have been claimed by ministries; they do not necessarily reflect the exemptions that have been accepted by the commissioner’s office—the highest exemption that has been claimed is with respect to personal information, section 21; that is, individuals requesting personal information about other people. The second was third-party information—that is, section 17—information supplied in confidence to institutions by other parties.

In respect of personal information, section 49, which I have just reviewed in respect of the exemptions that apply to my access to my own personal information, is the highest exemption that has been claimed, as well as the law enforcement exemption. The example I gave in respect of my requesting information about what the police are doing about me, if anything, is another exemption that has been claimed by ministries.

These statistics hold true for the first six months, 1989, which is as far as we have statistics for. Those are my comments.

The Chair: Does Mr Campbell have a presentation to make?

Mr White: Yes, one more, if you like us to do that first and go to questions.

The Chair: Why do we not do that and then we will not be overlapping and getting into his area. So if you want to, Mr Campbell, make your presentation.

Mr T. Campbell: There is another handout. What we have just heard are some of the exemptions that can or may be applied when there is a formal request for a record. What I thought I would do now is walk you through the process and some of the things that happen when there are formal requests under the act.

Just before we start, just to reinforce a point that Priscilla made, what we are talking about here is the formal request process under the legislation. But of course ministries and agencies are often in the business of giving out information—they provide information over the telephone and in response to a letter—and that sort of information exchange and information flow carries on. That really does not have much to do with the act. What we are talking about here is a formal request for information on an access form or in a letter where you quote the act.

Once an institution receives that formal access request, a process kicks in, some time frames kick in and there is a formal procedure that is laid out in the legislation. So what we are talking about is an individual exercising his right to get access under the legislation.

If you care to follow along on the handout, we divided the business of how this access process works up into six chunks of activity. I guess the first thing to note is that upon the receipt of a written request, where it is clear it is a request under the act, certain things kick in.

First of all, people make request for access to a record, that is, to an existing record as opposed to just information as opposed to “Tell me everything you know about subject X.” That is just a broad-based question. What you are actually making a request for is a record, a hard-copy record or one that exists on computer.

If a request such as, “Tell me everything you know about,” or “What’s the meaning of this” comes in, the institution has to work with that individual to help clarify the request: “What specifically are you interested in here, what records are you interested in here? Try to get it narrowed down to the records you want.” Once

you have that clear, that this is the subject area and these are generally the kinds of records you want, you then proceed. That is actually written into the legislation: the institution, the ministry or the agency is duty-bound to help the requester clarify the request.

Once that is clear, then the process starts. I guess the first thing that a ministry or agency has to do is figure out whether this record exists. We know the subject matter. We know that potentially a record exists. Let’s either go find it or, if it does not belong to us, who else would have custody and control of that. Let’s say the Ministry of the Solicitor General gets a request for a record that really is more properly part of the Ministry of the Attorney General. Then the Solicitor General, again under the legislation, would be duty-bound to transfer that to the Attorney General. You would do that under a certain time frame spelled out in the legislation. Again, that is a requirement on the institution. If it determines that if the record exists we are likely to be the institution that maintains this, then we go away and start to look for it. So they either transfer the request to an agency that has either custody of it or greater interest in it or they process the request themselves.

You go away and you look for the record and you find it or you find generally where the records are, and a couple of things begin to kick in here or potentially kick in. First of all, you recall that Priscilla was talking about certain exemptions that protect the rights of other individuals. If I am making a request for your personal information, there are certain exemptions that the ministry would apply.

Or let’s say you are making a request for a record that may contain commercial information of a third party. Let’s say, for instance, they are making a request for a tender document, a submission. The release of that may well affect the interest of that third party. If this situation seems to apply, what the ministry does then is what is called “third-party notice.” The third-party notice procedure kicks in, where you give the affected individuals, the third party or the other individual, a chance to make representations as to why or why not this information should go out. That affects the time frames here. On the basis of those representations, the head of the institution makes his decisions.

Early on in the process, if the institution gets an indication that these third-party interests will be affected, there is a process, again with time frames and notices built in, that kicks in to make sure that their interests are protected.

Early on in the game it might become clear that, either because of the volume of the record or the severances that have to happen, there may be fees that apply. I will talk about fees in just a moment. If these fees appear to be over a certain level, over \$25, then the act requires that the person who is making the request be notified that there may be a fee. That fee is obviously based on something real, based on examination of the records, an indication, an estimate that certain things, certain charges will apply.

1040

Generally speaking here, from the time when that written request is received, unless there is a third-party notice or unless a few other things happen, it is a 30-day time period, 30 calendar days—not working days, calendar days—in which the institution has to find the record, make some decisions about it and release that record. Aside from the notice procedure or aside from waiting for deposits for fees, that sort of thing, typically it is a 30-day period. I think, though Frank will talk about it later, in most cases, in the goodly percentage of cases, requests are handled within those 30 days.

Once you have reached this stage and you have the record in front of you, assuming it is your record and all that and nothing else applies, then you, the institution, go through it page by page and begin to see whether any of the exemptions that Priscilla Platt talked about apply, whether another individual's personal information is involved, whether there is commercial information, law enforcement information. If there is, the legislation requires that ministry, to the extent that it can, to sever out that offending or exempt information. It is in the legislation. You are duty-bound to make as much information as possible available to the requester.

What that means is that you have a 100-page document and 99 pages are relatively innocuous but there is one paragraph at the bottom that, say, discusses in detail somebody else's personal information. You do not withhold that 100-page document. You sever out that one paragraph and try to make as much available as possible. You see what exemptions you apply, you sever it out, you do a final determination of if there are fees. On this basis, having gone through that, you notify the individual that access is granted in whole or access is granted in part. If access is granted in part, what that means then is that you are withholding access under certain exemptions, and you explain to that person why you have done that. Everything is done here on a written notice basis. There is a notice that would

go out to say that access is granted to this part but this part here is exempt because it is law enforcement information and it would reveal law enforcement techniques or investigative techniques or this part is exempt because it is personal information about another individual. You explain why access is denied, and of course the individual would have the right to appeal that decision, and the commissioner's people would look into that.

When you have got the records, as I said just a moment ago, you can determine whether fees apply. The legislation spells out those categories of acceptable charges or allowable charges and then the regulation actually sets out some dollars and cents as relate to that. What you are doing here is you can charge for search time above and beyond two hours. In other words, an individual gets two free hours' search time. For search time beyond that, say for large volumes of records or records that are in a variety of locations, there would be a charge. So you calculate that. If the individual has requested a copy and you can provide photocopies or whatever, there is a per-page charge there. If there are severances involved—that is, if parts of this record are exempt and you have to, say, take out this paragraph or take out that line—there is actually time involved there in mocking things up and whiting things out and doing the severances, so there are some charges that can be passed along for preparing the record for disclosure.

It is important to note here that you cannot charge for decision-making time, for sitting down and saying: "Is this record exempt or not? Should we sever this out or not?" You are not charging for that decision-making time. You are just charging for the mechanical process of severing or exempting or searching and copying. If it is to be shipped offsite, you can pass along the shipping charges where that is appropriate. You state that fee to them and the record is released upon payment of the fee.

That basically brings us to the end of the process. Of course, as I have said before, if upon release of a record or withholding part of it you give notice and the individual does not agree with your application of the exemptions, he or she can appeal to the commissioner's office. The commissioner's office will look at the exemptions that you have made. If you have severed that paragraph, Mr Linden will ask you why and you will justify that. You explain how it works and all that and he looks at the facts of the case and makes a final determination. That is basically the access process.

Just to summarize here, what we are talking about is not the normal flow of information that happens every day over the telephone or across a counter or in response to a letter. It is a formal process kicked off by the receipt of a written request, either on the appropriate form or in a letter making it clear. Once that is received, certain time frames kick in, certain formal processes kick in, notices to affected parties. At the end of a 30-day count, we hope everything gets resolved. That is in a nutshell, I guess, how an access request process works.

Mr J. M. Johnson: Could you just go into a little more detail about the third-party notices and representation required?

Mr T. Campbell: Sure. Let's say, hypothetically, it is a tender document that somebody has made a request for, and this document will contain trade secrets or commercial information supplied in confidence, the release of which is going to cause competitive disadvantage. At least that is what it appears to be; maybe yes, maybe no. To clarify the situation, to allow the head to make a decision in that case, what the ministry will do is issue a notice to that affected third party saying: "There is an intention here to release. Can you make representations on this matter?" There is a time frame for that. They get 20 days in which to make that representation. The third party will make his representation as to why or why not the information should be released. On the basis of that representation and on the basis of the record, etc, the head of the institution will make his decision. He or she may decide to release, or may decide not to release, based on those representations from the third party. Either way, all parties affected here, the requester and the third party, get notified of what this decision is.

If you have made the request and I am the head and I decide, "No, based on what the third party says, I am not going to give that out," I let you know I am not going to give it out, I let the third party know that and vice versa, so that both of you, depending on how the decisions go, will have a chance to appeal that to the commissioner. The head of the institution does not do anything until the commissioner had made his determination of that appeal. That is how that process works.

Mr J. M. Johnson: If information is given in confidence, then you would have a hard time releasing it, would you not?

Mr T. Campbell: Well, that is part of the test. What the legislation spells out on this third-party business is there are three tests you have to meet.

It has to be a certain kind of information—a trade secret, or commercial or financial, labour relations, whatever. It has to be that kind of information before this kicks in. It has to have been supplied in confidence, and that has to be clear. There is the third step as well. The release of that, even if you have met those other three tests, has to result in certain harms. If all three categories seem to fit, then that exemption applies.

Mr D. R. Cooke: May I ask a supplementary to that?

The Chair: Yes, after he is finished.

Mr T. Campbell: So those three tests are met, and that is what you are trying to determine here: was it supplied in confidence, is it trade secret information, is the release of this going to cause certain harms? The commissioner looks at all three tests and makes his decision accordingly, if it is in the case of appeal.

Mr D. R. Cooke: I take it that the request that came to you from the Kitchener-Waterloo Record to release the information on the arrangements between the government and the Toyota motor car company fell into this category?

Mr T. Campbell: That was one of the exemptions.

Mr D. R. Cooke: There was some criticism of you with regard to the amount of information that was exempted, including the location of the plant, which was already built.

Mr T. Campbell: Right.

Mr D. R. Cooke: What conceivable harm would that have caused?

Mr T. Campbell: This is one of these cases where it goes through the commissioner, where the requester was not satisfied with the response of the ministry. The commissioner, looking at the facts of the case, made a decision and, I think, in that case overturned some of what that individual ministry had done because clearly the confidentiality aspect declines somewhat if you can see the plant from Highway 401. He takes these things into consideration. This is why there is an appeal process: if one side is not satisfied, it can appeal it and he will look at the case.

1050

Mr D. R. Cooke: You mean he overturned that on appeal?

Mr T. Campbell: I believe he overturned part of it.

Mr White: Yes, the commissioner ordered most of the contractual details to be released. I think the other thing too is that when the new act

is in force, when requests are received for the first few months, you do not have as much experience. In retrospect, one might make a different decision once there is some experience.

For instance, just the term "supplied in confidence": The commissioner has produced a number of orders this last year, which is the second year, giving more character to what is supplied in confidence, meaning it has to actually be supplied to the ministry or agency by the third party, not something that, for instance, the ministry or agency went out and obtained from the third party. There are these things that are developing in terms of the commissioner's orders, too, that provide some guidance for decision-making for ministries and agencies as we gain experience.

Mr J. M. Johnson: I am concerned about the personal information aspect. What information would the government have, for example, on Sam Cureatz?

The Chair: That would be top secret.

Mr Breauth: I have a good book on him.

Mr J. M. Johnson: Besides the Ministry of the Solicitor General and the Ministry of the Attorney General, would there be other agencies? What type of information does the government have?

Mr White: I was going to mention this later. This is now for the public, in terms of this question, "What does the government have or what types of information are maintained by ministries or agencies?" There are two publications.

One is called a Directory of Personal Information Banks. What it does is list by ministry the personal information groups of personal information that are maintained by that organization in terms of the business it does; for instance, if you have a driver's licence. For instance, if you pay provincial income tax, the Ministry of Revenue will have information about you.

Mr Breauth: We missed him on both counts there.

Mr Cureatz: Running for a federal seat? Anything there?

Mr White: The Commission on Election Expenses actually is not covered by the Freedom of Information and Protection of Privacy Act.

This is a listing that goes through each ministry and will list the files that are maintained. I am just trying to pick out one. This is a lot of permit information from the Ministry of Natural Resources; if you have permits of any type, for instance, for fishing. The Ministry of Communi-

ty and Social Services, if one is in receipt of family benefits, would have information about those benefits. The Ministry of Health would have your OHIP billing information.

What this does for the individual is provide for him—it is indexed, of course—an idea of what personal information the government may have, so that he can make a more informed access request. Each ministry co-ordinator has it and it is also in each provincial library in the province.

The Chair: Public library?

Mr White: Public library.

The Chair: Could you supply each member of the committee with a copy of that tomorrow?

Mr White: Yes. This is personal information. Generally, I would be interested in this in terms of making a request about information the ministry has about me. The other publication is a Directory of General Records. That goes through each ministry and agency that is covered and lists the types or classes of records that they maintain; for instance, supplier competition files, policy research files. It will go through each division in a ministry or agency, like the land and waters group of the Ministry of Natural Resources, and will give a list of—for instance, it has information on acquiring lands, tax roll, commodity studies, crown land survey plans. It will list the classes and types of information that the ministry has. In a way, this is to assist the public in terms of determining what information is maintained and what information would be subject to the act. Those two publications are required by the legislation to be published annually.

Mr Cureatz: How long is information kept for?

Mr White: There is what is called in the Ontario government a records management program. That program determines the length of time records will be maintained. There is a form that provides a description of the record group and it goes through a number of approvals. Generally, this form is in ministry reading rooms. It will go through a class of records and determine how long that information is going to be maintained. There is nothing in the act, with the exception of personal information, that requires information to be retained for a certain period of time.

Now, on the personal information, each one of these groups will list how long that record grouping is maintained. For instance, prosecution files with the Ministry of the Environment are maintained for 25 years, then transferred to the Archives of Ontario. A description of these

personal information groups will include the type of information maintained, the uses, the categories of users who have access to it and categories of individuals in the bank of personal information. Both of those publications are available in all of the public libraries in the province and a number of ministry offices.

The other thing the freedom of information and privacy branch produces is a manual on the policy interpretation of the legislation. This goes, in a more extended fashion, through the process that Terry Campbell described in terms of making a request and how to calculate fees. It also provides information on, for instance, the exemptions, advice on where they apply and where they do not apply. This is updated twice annually with commissioner's orders, where further guidance can be provided through the commissioner's orders. Again, each ministry has copies of this; it is also available in the Ontario Government Bookstore if the public, for some reason, would like a copy of it. It is a more detailed interpretation of the provisions of the legislation.

Mr J. M. Johnson: This is more curiosity: In the second presentation, under discretionary exemptions defence is listed. I was wondering what defence forces we have in Ontario.

The Chair: You cannot ask that question, Mr Johnson.

Mr White: It is the defence of the state, of Canada.

Mr J. M. Johnson: Is that the security at Queen's Park?

Mr White: No, I think one wants to move towards the law enforcement.

Mr Cureatz: Is that not the underground pit up in Barrie or something that is maintained—

Mr Breauth: Yes. We have got a war room. We may not have an army, but—

Mr Polsinelli: I would like to pursue that discussion. Unfortunately, I do not know too much about it.

Mr Cureatz: You never will.

Mr Polsinelli: Mr White, could you tell me whether or not you have compiled any type of statistical analyses of the types of requests that have been received?

Mr White: Yes, I was going to hand out, if you would like to have that now, some of the general statistics over the first year and a half.

Mr Polsinelli: Yes, I would be interested in those.

Mr White: My office collects and summarizes each year's events statistically, and there is a much more comprehensive statistical analysis that is contained in the commissioner's annual report. You may want to discuss that with the commissioner, including the number of appeals that have been mediated or decided by order.

The summary that I brought is for the 1988 calendar year, and the first six months of 1989 are on the right-hand side. The requests have been divided into two categories, the personal information and general records, the personal information being requests for one's own personal information. There were just over 4,000 in the first year, 4,200 requests; and in the first six months of last year, 1989, there were just about 3,000. So the numbers have gone up. We will have the full-year 1989 probably in mid-September and we could forward them to the committee.

Access granted in full or in part: In the first year access was granted in full or in part for 77 per cent of the requests; in the first six months of the second year, about 82 per cent. I guess that leaves you with the impression that for the other 20 or so per cent, that means access was denied. But there are a number of cases, for instance, where the record does not exist, so in fact you are denying access because a record does not exist. Then, of course, there is a denial of access because the ministry feels that an exemption applies with regard to those other cases.

In terms of answering within the first 30 days, in 80 per cent of the cases the request has been answered in 30 calendar days or less, which is quite a good percentage.

1100

Fees collected: You can see that it is not, nor ever was intended to be, a money maker. In the first year \$14,000 in fees were collected. So we are not dealing with a large chunk of the provincial budget. I might mention, by the way, that there is no charge for a request for personal information, that this is only for general records. If I make a request for my own information, there is no charge for service time, there is no charge for photocopying. It is all without charge.

The number of corrections: This deals with personal information where someone has received his personal information and says, "Wait a minute, I think there is something wrong here." There were 62 the first year.

I could also make available to the committee this more detailed statistical summary that goes into the more detailed categories of the results. It goes into where the fees were collected. It goes

into a number of appeals, whether access was granted to the copies or the original.

Mr Polsinelli: I do not think that will be necessary. This is actually the type of information I wanted to see, and we will be discussing with the commissioner tomorrow his end of it.

Is there any type of general advice that you can offer the committee in terms of how the legislation can be improved to make the process perhaps faster and more efficient?

Mr White: Once the committee is into public hearings, I believe that our minister would like to address that, our minister would like to appear before the committee in terms of proposals by the government. I think today what we are prepared to do is just give a general "Here is how it is operating," and once the committee goes into hearings, or after the hearings, the minister would be pleased to do that.

Mr Polsinelli: That is fair.

Mr Breaugh: I have had a chance now to watch this go from a broad theoretical concept into the mechanics of how you would do it. I am interested today in a very specific kind of thing. Maybe it would be a good way to kind of test whether this process is working generally.

Ontario Hydro recently sent to my house an emergency plan for the Darlington nuclear station. Like everything that Hydro does it is a very nice piece of business. It states the facts concisely from their point of view and they have invited me and all of my neighbours to attend one of four information sessions that will happen in about the next 30 days. I read their document and it raises some questions and I would like some information.

I guess my first problem is that even though I am a member of the Legislature, this is an official meeting of a committee of the Legislature, we are recording every single word that is spoken and it will be written down in Hansard, nothing will happen unless I choose to write you a letter. Is that my first problem in terms of getting that information that I want from Hydro? Even though every word is recorded in this committee and it is a committee of the Legislature and the request is being made for information about how this pamphlet was put together, unless I choose to write you a letter, no information will be forthcoming and the process will not start until a formal letter is written to you.

Mr White: That is if someone intended to use the act. Without knowing this particular record, I guess they could contact Hydro to see if the information is available first.

Mr Breaugh: The point I am trying to make here is that I am aware of the Freedom of Information and Protection of Privacy Act, but I will bet that if I walked up and down Sutton Court I would be the only one on the street who knows that the act exists, who knows that they have to put a formal request in writing who is aware of your existence either. They do not know that they have to write a letter, they do not know who you are and they do not where to write the letter. They are more likely to phone Hydro, which sent us the booklet in the first place, and I will be really shocked if Hydro says, "There is information that you should have that is not in that booklet." I will be really surprised if I go to the information session that Hydro has and it consists of anything more than what it put in the booklet on four-by-eight billboards. So it is kind of unlikely that the public on my street, affected by this emergency evacuation plan, is going to be able to get any information. That is my first problem. They would have to write to you. My request made here at a committee meeting does not count. Nothing happens until the letter arrives. Is that right?

Mr White: The request will be in writing, but could I mention that the commissioner, in terms of public education does, in section 59, have a statutory responsibility to conduct public education programs.

Mr Breaugh: This will come as a shock, but not many people on my street have read section 59.

The second thing is that, in about a 30-day period, we have a chance to converse with Hydro. It seems to me pretty unlikely that even if I write the letter and this whole process works, anything is going to happen in the next 30 days. I doubt that any information is really going to change hands.

The problem is that when Hydro has finished with its information sessions the opportunity for public discussion about this emergency plan will have ceased. So if I do not get the information in 30 days and go to one of these information sessions, my opportunity to argue this in a public way, according to Hydro—and it has set all the rules and gathered the information and set the dates for this—my opportunity to have that discussion evaporates. If you send me the information on day 32, my chance to have the discussion has long gone, so whatever you give me is useless. Is that my second problem?

Mr White: I guess there is a statutory requirement, as you said, to respond within 30 days unless certain conditions apply. If that does

not get the information to you in the time you need it, I guess then you would say that 30-day period is a problem. There have been cases in other jurisdictions where they tried a much shorter period of time, and the committee will probably hear about this in the public hearings. For instance, I believe in the United States it is 10 days. It is 10 days, but nobody meets it. In the province of Quebec it is 20 days, and they have had more success with that. So there are different time periods if you are going to use this act.

Mr Breaugh: Let me try to pursue this a little bit with some other specific things. One of the things that is said in this document, this pamphlet, that is said many times, is that Hydro has never had a serious accident. They do dribble a little tritium into the lake from time to time, and there is a guy who would like to go back to work at the Pickering plant but he has been exposed to low-level radiation and he does not want to, so it is the definition of the word "serious." Was it an accident, an incident, a malfunction, did something go wrong? The first statement that people are talking about a little bit is, is that really true and what is the basis for that? Who keeps the records on serious accidents? Who defines the word "serious"? Would anybody on my street stand a chance in hell of getting records that were kept that might clarify whether there ever has been a serious accident? Have there ever been incidents? Who investigates those? Would you have any indication as to whether Hydro would keep such records?

Mr White: I just do not know. That is not a question I have the information about.

Mr Breaugh: But you see that is what I am trying to get at.

Mr Polsinelli: But those would be the type of records that, if they were available, would be released under this act. Statistical information in terms of accident frequency, types of accidents and those types of things—if an institution keeps those records, they would be released under the act, would they not?

Mr White: That should be, right. This is general, because I have not seen the records.

One thing that is very difficult is I can say that I have this record and you do not know what information is on it. It is called—I do not know—Advice to Government. Without knowing what information is on it, it is very difficult to say categorically, "No exemption applies. That should be going out," or "An exemption actually does apply because I see that word 'advice.'" But that might not mean anything. So until you really

have these records in front of you to make some type of decision and look at them, what information is on there, it is very difficult talking about the exemptions.

Mr Breaugh: See, here is my problem, and it goes along with something that Claudio just mentioned. If I or anybody on my street wants to question who kept these records, to whom do we go? We go to the person who just put out the booklet that said there has never been a serious one. They have come to their conclusion. What I am looking for is, is there any neutral third-party analysis of this? I am not aware that the Ministry of the Environment, for example, keeps records on Ontario Hydro. I am not aware that the Ministry of Labour keeps that kind of record, that very specific kind of record, on Ontario Hydro. So what I may find is that I have to engage in a long guessing game here about who has got it, in what file might I find information like that.

You are expecting me to go to the agency, Hydro, for advice. I tend to think it is unlikely that they are going to go around and say, "If you just lift up this rug over here or open this closet door, this will all fall out on you." I think they work pretty hard to control that. That is a second major problem I have.

Mr White: That is one of the reasons the Office of the Information and Privacy Commissioner has been established, because even if I come back to you as a requester and say, "This record does not exist," you can go to the commissioner's office, as some requesters have, and say, "I do not believe that. I think that record exists." They will come out and investigate. They will go through the steps. I am sure the commissioner could offer some orders that he has issued that they have asked the ministry to show what steps it has gone through, they have investigated, they have looked at logs, they have looked at file plans, they have made him go through files, they have asked him to reinvestigate again, go after the regional offices. Just because the ministry says it does not exist, it does not stop the process from the point of view of a requester.

1110

Mr Breaugh: Are you saying, then, that if anybody on my street has a question about this, he can call your office and you will assist him in terms of trying to figure out who has got these records, where are they, what kind of information might be available? With a lot of this you would be basically asking an agency to do itself some damage by voluntarily saying, "We didn't think these were serious, but the ministry over

there has got a list of things that have happened and maybe you should go and check that." Maybe I am wrong about this, but I have never seen Ontario Hydro, since I have been a member here, do anything that would cast any aspersions on its record at all. They seem to be very good going the other way, which we expect; they are an agency that does that job.

Let me pick a couple of other problems that occurred to me as I went through this. First of all, the map they enclosed is wrong. People in my neighbourhood do know where the roads are in our area, and when you put out a map that is wrong we begin to suspect that maybe there is some other information that is not quite accurate either. In this brochure, they seem to feel that a nuclear cloud coming from the Darlington plant will go only on the south side of King Street and will make a left turn at Ritson Road. It does not indicate whether they will obey the stop lights. People seem to have a difficult time figuring out just precisely how they are going to train these clouds of nuclear waste to travel only on the south side of King Street and not travel across the road. So we would like to know on what basis was this very scientific analysis prepared. What do we ask for?

Mr White: What you do is make a request for records relating to a decision or information relating, background documentation concerning the production of information—

Mr Breaugh: What do we ask for, cloud training or what? See, we do not know the questions to ask. That is the problem.

Mr T. Campbell: The legislation also requires the freedom-of-information people to work with you and to clarify that request. So if you say, "Here is generally what I want to know," they are duty-bound under the legislation to say: "Here are the records that pertain to that, or the potential classes of records. Is that what you are interested in?" You have to narrow it down, and they have to work with you, basically to help you to clarify that request.

Mr Breaugh: I will narrow it down. On what basis can an agency like Hydro figure that a nuclear cloud is going to make a left turn at Ritson Road? That is pretty specific, and it does not make any sense to anybody in my neighbourhood, it does not make any sense to me and we would like to figure out how did they come to this conclusion.

Here is another one: We have all been to Durham College. The most I have ever seen up there is maybe 3,000 or 4,000 people for a softball tournament. Somehow Hydro seems to

feel that about 50,000 people will fit on that campus during an evacuation period. I do not quite understand how this is going to happen. Maybe if they do not eat or drink or use washrooms or sleep or do anything like that, they might. But I would be interested in information that they used to determine that this should be some kind of a catchment area. How would we go about getting that information? I do know that Durham College has a campus, I know where it is, I know the size of it and all of that, but on what basis was that chosen as a site where people should gather should we have some kind of mishap at the Darlington plant? How do we go getting that information?

Mr White: I think what you would do is discuss what you have just done with the co-ordinator as the first contact point in Ontario Hydro.

Mr T. Campbell: Or Durham College; they are both covered.

Mr White: They are also covered by the Freedom of Information and Protection of Privacy Act. Seek their assistance in determining the record that you want.

Mr T. Campbell: "Is there a report or is there a study, whatever?" They would try to narrow it in, "Yes, there is a report," or, "There is a study," or "Here are the following factors taken into consideration." Try to narrow it down to what the records requested are, so they can go in and look for them.

Mr Breaugh: I guess this is my main difficulty here, that I am not sure that is a reasonable expectation. In our area, for example, we have a general knowledge that some people at the municipal level and the provincial level have been working on evacuation plans for Pickering and Darlington. We have seen newspaper reports that the Ministry of the Solicitor General had one or two staff people preparing such a report, but that is about the extent of local knowledge. So when we are asking these kinds of questions we do not even know what the game is, we are not even sure who prepared this. What we know is that we received a document from Ontario Hydro that looks very authoritative. It states their point of view on what their version of an evacuation plan is.

Somebody asked me last week, for example—they had watched a CBC program which said that at Chernobyl the Soviet government said there should be a 30-mile evacuation area. So how come at Darlington it is only a 10-mile evacuation area? I do not know. I do not know who

prepared that plan. I do not know how many ministries participated in it. My problem with this is that I am forced to go to Hydro in the first instance and say, "Would you open up the process that you used to prepare this document.

If they choose to, fine. If they do not want to, we are in trouble. I am not sure that even your staff—for example, what sources would you have if Hydro said, "We did this all in-house and it's all very fine and it's all accurate and that's the end of it"? Every time we talk about a nuclear plant, it is completely safe and it has never had an accident in its life, but if you ask any questions about it, "That's a matter of national security and we're sorry, we can't reveal that." So we get into that catch-22.

What would you do if, for example, Hydro said back to you, "This is our best estimate of what should be done in an evacuation plan, but it's a nuclear plant, it has to do with national security matters. We're not divulging any more information." Would the commissioner feel that this would be an opportunity where he would have to review it or would that be the end of it?

Mr White: I think that is something appropriately discussed with the commissioner. But if this is the result of a written request, then after this statutory period, whether the ministry answers or not—because if the ministry does not answer it is a deemed refusal—as a requester you can go to the commissioner and say, "I'm complaining because the organization hasn't granted access or even told me of a decision." I think if you are dissatisfied with the results of a request, there is the safety valve that the public has, the Office of the Information and Privacy Commissioner, for any decision that a ministry or agency takes.

Mr T. Campbell: Again, part of the thing that can be appealed is: "They haven't given me all the records. I know there are more. There must be more. They haven't found all the records." There have been appeals on that, that not all the records were found in their response to that particular request. It is, again, appealable and he will investigate.

Mr Breagh: Let me just conclude on this. This is perhaps a little unfair, but probably not. I am faced with a situation where if I want one single piece of information and I know where to ask for it, I have got a process now that will probably get that. But the freedom-of-information law was essentially drafted initially to do that, but to do much more. To take an occasion such as this, where an agency of the government of Ontario had brought forward a

plan, I am sure even Hydro would say, "We invite public discussion on the plan." But in order to have an informed public discussion on it, I need more information and so do people who received copies of that plan. We have no chance of getting that information, in my view, by the time these public information sessions are held.

If we want to pursue this further, we are going to have to be really pigheaded and go through a long series of appeals and denials. We will have to know what documents we want, we will have to be able to analyse those documents. So you would have to be really firm of purpose here to pursue through freedom of information getting all the information that Hydro used to arrive at its conclusions in preparing this plan. I am not sure how practical that is.

Mr White: I am not sure if this is a problem with the Freedom of Information and Protection of Privacy Act or whether it is really a problem with a consultation process. From my experience with what we do with the Municipal Act, we went out with a full package of proposals and options beforehand so that there was public discussion of those. I know that many ministries are taking that approach so that the public is as informed as possible in terms of options and actual background studies to begin with, and all that goes out just as a matter of the consultation process.

So it is that, or maybe the committee wants to hear from Ontario Hydro and might want to have Ontario Hydro testify if there is particular interest in that agency or a particular ministry.

Mr Breagh: I am personally interested in pursuing how they prepared this plan and I intend to pursue that. But it does appear to me that we have devised a system here which maybe I understand—it only took me seven or eight years to understand the thing—but it is perhaps next to impossible to have a reasonable expectation that an ordinary citizen faced with a proposal by a major government agency can, in practical terms, get access to information that might allow that person to have an informed discussion with the agency as to whether its plan is ever going to work or not.

1120

Mr White: Then the committee may have some options for ways of better informing the public in addition or instead of these; for instance, directories, or there is a list of contacts for each ministry, or a public education program by the commissioner. There may be other things that can be done to inform the public on how it can utilize the legislation to its advantage.

Mr D. R. Cooke: The one time I contemplated using this legislation the threat seemed to be enough to get the information out of the government. That leads me to the question of, once a ministry becomes aware that a request has been received and you are starting to process it, to what extent does that end the process and does the information get released because the government realizes that eventually it is going to have to do it anyway?

Mr White: Two of the categories for the statistical are the results of a request were withdrawn and abandoned. In 1988 80 requests were withdrawn. Maybe that is because they got the information.

Mr D. R. Cooke: Only 80 out of 4,200?

Mr White: Abandoned was about 150.

Mr T. Campbell: It could also be the case that with a particular kind of record nobody has really asked for it before and you do not really know the contents in terms of how it relates to the exemption. So the first time somebody makes a serious request you want to look at it and you realize, having gone through the process and looked at the exemptions and considered severing, really this is a record that there is no problem releasing. So that the second and third and fourth time somebody makes a request for that, we have gone through the intellectual work of trying to apply the act and it does not apply. It is in part a learning process here, so subsequently that is a record that you would not even have to invoke the act for. Upon request, a telephone call or a letter, you would get that.

Mr D. R. Cooke: Second, supposing I am a bureaucrat and I am just doing my job, I think, in the best way I can, but I am aware that there are probably some areas where I have been negligent, suddenly I become aware that there is some documentation being requested that would show me in a very poor light and the temptation might be to sever out some of that documentation before turning it over. To what extent can I get away with that? To what extent could I, say, take some pages out of something and shred them before you ever got there?

Mr T. Campbell: There are a couple of things to bear in mind. The disposal of records in the Ontario government is covered by the Archives Act. You just cannot take it upon yourself to do that; you are breaking the Archives Act. You would be breaking the law.

Mr D. R. Cooke: I realize I would be breaking the law, but the temptation may be great enough to do that.

Mr T. Campbell: Yes, but you would be in violation of administrative policy and the legislation. I think, in terms of training and implementing this legislation at the provincial level, it was made very clear that the only thing you can exempt is what is stated in here as an exemption. If those exemptions do not apply, the record has to go out. Otherwise, if you do anything else you are violating this act, you are violating the Archives Act.

Mr D. R. Cooke: I guess what I am asking is, what warning would I receive that you are on your way to pick up these documents, or do you just arrive there some day and is it too late?

Mr T. Campbell: This is the formal process here, kicked off by a written request. Every ministry will have its own procedures, whether they circulate it around in a specially marked file, whether the co-ordinator gets on the telephone, whatever. But it is kicked off by this formal request and every ministry then has its own finding and locating and reviewing process. If you are the program area with the record, you would be caught up in that process.

Mr D. R. Cooke: If you were suspicious that the law might be broken in that process, do you have any authority to move in quickly, in the same sense that a subpoena is exercised, demand the documents before they get circulated through the ministry?

Mr White: No, I think the situation is that any audit capabilities or responsibilities would be with the Information and Privacy Commissioner.

Mr D. R. Cooke: He may have that authority?

Mr White: He would, certainly if he is conducting a number of audits. I am not saying that was the reason for the audit. The audit may be on the recordkeeping practices, let's say, of the institution.

Mr D. R. Cooke: So if you were to be suspicious of the possible, say, destruction of documents or something, would you turn the matter over to him then rather than making a request?

Mr White: I guess that is what would happen. Really, it is very difficult for the minister responsible for the legislation or his staff to know that situation because in fact nobody sees all the requests or—

Mr D. R. Cooke: No, but you might. You might as a result of information given to you by the requester. There might be certain allegations made to you by Mr Breagh that Ontario Hydro knew he lived on Sutton Court and was on the warpath, that it might want to concoct some

information on crowd control at King and Raglan.

Mr T. Campbell: I think that is part of the appeal to the commissioner, because he does have staff who will investigate and they will find out whether records were disposed of in contravention of schedules and that sort of thing. That is something that can be appealed to him.

Mr White: I think the important thing about the commissioner's office is that he has been set up independent of government.

Mr D. R. Cooke: But that can all happen too late.

Mr White: No, the requester could phone the Office of the Information and Privacy Commissioner at the same time, saying, "I think something is happening," or "I think this record is going to go missing or is missing," if that is what the requester felt the situation was.

Mr D. R. Cooke: Third, is it correct that out of the 4,200 requests that you received last year, 3,000 came from Norm Sterling?

Mr White: I think it was 2,500.

The Chair: He is reading them now.

Mrs Sullivan: I want to follow up on Mr Johnson's earlier question relating to third-party representation. Does the third party, when called upon to represent itself and to put forward reasons that information ought not to be disclosed, receive any reparation or is the third party paid costs that may be necessary to cover its representation?

Mr White: No, there will not be any.

Mrs Sullivan: Has that ever been considered, do you know?

Mr White: Not to my knowledge, no.

Mrs Sullivan: Would you have any estimate of—no, I suppose you could not—of what the cost to the third party could be? I assume that there could be auditing costs or legal costs or whatever in putting forward an argument.

Mr T. Campbell: It varies. It is impossible to tell really what the costs would be.

Mrs Sullivan: The second thing is, do you know offhand if the standard applications for grants, loans or, say, tendering documents include any statement on them saying that the information that is attached—or, say, tendering documents—or included in the application is confidential?

Mr White: There was one problem right when the act was in force about a statement like that on, I think, a standard government contract, which

was changed after that. The statement now should read that any information supplied is subject to the Freedom of Information and Protection of Privacy Act as a standard for suppliers dealing with the government.

Mrs Sullivan: If I as an individual wanted to receive information about OHIP billings, about the charges to OHIP that were made by a physician who was my physician, could I get that information?

Mr White: I would have to look at that and get back to you.

Mr T. Campbell: In respect to yourself or everything—

Mrs Sullivan: In respect to myself.

Mr White: Not your family, only yourself. I think generally, without seeing what that form is, you should have a right to that. This is the card or whatever it is that is submitted by the doctor to OHIP.

Mrs Sullivan: Would the physician be the third party and would he be informed in that situation?

1130

Mr White: Actually, you bring up a good point, because that is financial information about the doctor in terms of his income. So in fact there could be a situation where you could give third-party notice to the physician, saying: "There has been a request for this information. Do you want to make representations on why it should not be disclosed?"

Mrs Sullivan: I would be interested in pursuing that. I think it is a very interesting area. Very frequently we hear from constituents that they would be interested in having that kind of information as a kind of check. I happen to trust my doctor, but many people are concerned that there is extra-billing which they want to know about, whether it is that kind of a personal charge or other charges that are made.

I have another question relating to the applicants for information. One of the things I have always found very bloody annoying about this bill is that there are people who make a living out of the information that is supplied to them and they charge other people for that information. I am kind of shocked actually that you are only collecting \$14,000 to \$15,000 a year in fees, because I suspect that some of those companies that are formed to take advantage of the information that is available through the Freedom of Information and Protection of Privacy Act would make that amount of money within a

month on the recharging. Do you have any comments on that type of situation?

Mr White: First of all, the general right of the requester is not subject to any reason. You cannot go back to the requester and say: "Why do you want this? If I don't like your reason, I'm not going to provide the information to you." In terms of the requester, many times you really do not know who he or she is. In fact, for general records you could be someone, as you mentioned, acting on behalf of someone else. It could be a researcher, it could be the media, it could be a lawyer. You have no way of knowing really. So you do not know who the requester is in terms of general records.

The only thing, I guess, you can take a look at in terms of the revenues provided to the government is that after the two hours of free search time you can charge for any search time in terms of finding a record and you can charge for any photocopies that you are going to make. Those are fairly obvious upfront costs, but much of the time is spent coming to some kind of conclusion on whether an exemption applies or does not apply, and that is not chargeable.

The fees are low. I mentioned Bill 52 provides consequential amendments, but right now in the act there are two steps in determining fees. First of all, if I am the head or I have been delegated decisions to make, I decide whether I going to charge a fee or not. That is step 1. It is up to each institution to determine whether it is going to charge a fee or not, and there does not have to be a reason given.

If I decide to charge a fee, the second step is there is a list of conditions where a waiver might apply. It is up to a requester to make a pitch on whether any of those conditions apply—for instance, the information relates to public health and safety—so a waiver could apply. In Bill 52, which just received royal assent, there will be a requirement to charge, and that is consequential to the provincial act, so there is no question about charging. But then a condition of waiver could apply. But that is the only condition that would alleviate a charge, that one of the specific conditions for a waiver—and there are about five in there—would apply. Otherwise there is a charge and there is no discretion about that. I believe many ministries are using their discretion now, which they have, not to charge the fee.

Mrs Sullivan: Do you think that new provision will make a difference, for instance, in the treatment of people who are in fact reselling the information in a commercial way?

Mr White: I hope it would in terms of the fees generated. Again, you really do not know if the person is reselling it unless it is publicly done, I guess. You do not know how the information is being used. It could be passed on to somebody else. Once you have released the information it is out of your control. You release it to one, you release it to 20. It is out in the public domain. So it is very difficult, it is impossible to have any controls.

The Chair: Have you any information where people obtained information and resold it in a commercial way?

Mr White: I am not aware of that specifically with the provincial act. I am aware of it with the federal act.

One thing of course too is that through all this where the requester is an individual, you want to protect his privacy. So you do not pass around names, addresses and telephone numbers of requesters.

The Chair: Oh, boy.

Mr White: Well, I will relate an interesting story. There was a request for some information. This was of the Ministry of Labour. It was for information about a third party. The ministry determined that the proposal was to release the information, so it of course sent a notice to the third party, which in this case was a newspaper and a reporter. What happened was that individual then wanted to know who was making the request, the original request, and the ministry denied that. It went to an appeal and it ended up the requester's name was released, but not the requester's address. What they did is that the third party made a request for the requester's original request form as a record and the ministry provided the request form with the name and address severed. So they complained to the Information and Privacy Commissioner. But you see there is a lot of this—the natural inclination with the third party is, "Who wants that information?"

Mrs Sullivan: Exactly. In commercial operations that can be very important. If, for example, you want information and are requesting information about a loan or grant application, your application might include information about your margins and your operating costs. The request may come from your major competitor or it may come from someone who wants to take over your company. In the commercial field, then, or in business, in the third-party representations, are you asked who the requester is and has that been a—

Mr White: No. Our advice to ministries has been that if you are going to make a case it should not matter who the requester is. If that is going to cause harm to release, you should be able to show that it is harm no matter who it is released to.

Mr T. Campbell: Assume worst case.

Mr White: Assume the worst case.

Mrs Sullivan: Good point.

Mr J. M. Johnson: Mr White, I feel that the average for 1988 for costs for requests works out to \$7, and last year it dramatically increased to \$9.47. A few telephone calls could be that much. Is it reasonable to provide the information at such a nominal amount?

Mr White: I cannot answer that, if it is reasonable or not.

Mr J. M. Johnson: You have generated for 1988, the full year, only \$14,000.

Mr T. Campbell: That is an average. As to the total amount and the average you cited, some requests could be for a very large volume, some requests could be for two pages, or there is no search time. As Mr White was saying earlier, there is some discretion as to charging or not.

Mr J. M. Johnson: The only concern I have is if it is too cheap you will be receiving a lot of requests. It is easier to pay you a few dollars to provide the information than for them to try to obtain it themselves. What about the other jurisdictions, Quebec and other provinces? Do they average out about the same?

The Chair: I think, Mr Johnson, when you are asking Mr White a question you can ask him with regard to specifics, but whether it is enough or not enough, I do not think it is beholden on him to answer that. I think that is more of a political question and you should ask that of the minister when we have him before us. I do not think that we would have to require Mr White, even under this very privileged act, to have to answer that.

Mr White: Each jurisdiction does have a schedule of fees, and the committee can compare the schedules. The federal government has a schedule of fees, the Quebec government has a schedule of fees, the Manitoba government. The schedule of fees for the Ontario provincial act is on page 93 of the provincial act and this is what is being charged, or what could be charged by regulation.

Mr White: Could I ask if we could have just about maybe eight minutes at the end of the meeting to show the slide video on privacy?

The Chair: Yes, I was planning to do that.

1140

Mr D. R. Cooke: I have a number of requests constantly in my constituency office about support and custody enforcement, the legislation that allows custodial parents to seek their legal enforcement from their spouses. The support and custody enforcement office, the Scoe office as we call it, is constantly walking a tightrope because of freedom-of-information legislation, because of the fact that you have, for example, a custodial parent giving information about, usually, her spouse. She sees him perhaps working in a certain place, she thinks, or she has got some information. She passes this on. She expects almost a solicitor-client relationship with the Scoe office, and yet it cannot really communicate with her.

As a result, there are a lot of situations where they are in fact doing a lot of work, but they have taken the position that they cannot ask her further questions for fear of revealing information they already have about the noncustodial parent. As a result, they tend to be hiring private detectives a lot to confirm and find out information that could be available to them if they simply were able to enter into a conversation with the custodial parent. But they do not do that, and I can understand why they do not do that. I just wonder if you would like to comment on that problem, if there is some way around it and if there is some way in which perhaps we could be easing the tensions there.

Mr White: The Ministry of the Attorney General is the ministry responsible for that program. If there is some information they could provide on if they are having difficulties, that would be a more appropriate organization to answer that. Again, each file is not going to be the same in that office, so a lot of it depends on the particulars of that file.

Mr D. R. Cooke: Have you had complaints from noncustodial parents about information having been revealed?

Mr White: Complaints would go to the Information and Privacy Commissioner, so that probably would be something you would want to ask him. For instance, in his annual report he will have complaints by ministry and appeals by ministry, so there may be further information on it.

Mr D. R. Cooke: So if we see a big bulge under "Attorney General," that may be part of the reason.

Mr White: It could be a program that generated some complaints, yes.

The Chair: We will have the audio-visual presentation now, Mr White.

Mr White: We did not talk too much about this. We went over the access side, the freedom-of-information side of the act. This is a short video on the privacy protection side, and in the balancing I wanted to talk about hopefully you will see that this is the more important aspect of it. Although the freedom of information side certainly captures the limelight a lot of the time, there is an equally important privacy protection part.

[Video presentation]

1151

The Chair: Any comments, Mr White, before I ask for questions from the members?

Mr White: I guess I would like to end with a statement saying that the branch that I direct has made a very strong effort to promote the privacy principles in our day-to-day dealings with the freedom of information and privacy co-ordinators and other staff. As you can see, that was a training film. The branch runs a number of training courses each year for freedom of information and privacy staff in ministries, and those are dealing with requests to try to promote the principles of the legislation.

I would like to thank the committee for the time we have had and also again state that the minister would be quite pleased, once the committee goes into public hearings, or after that, to come forward with a government response and government recommendations.

Mr Callahan: That video you have just shown us, that is for internal use? That would not be for, say, the public?

Mr White: We have given it for public use. We have shown it, for instance, at libraries, to community groups.

Mr Callahan: Is it shown on, say, something like TVOntario for the benefit of—

Mr White: It has been shown, actually, on the TV station for the Legislature. It has been shown on that and not TVOntario, and a few cable stations. There is another on a general overview of that. That is just the privacy protection side. There is another one, and you will also, I believe, see one from the commissioner tomorrow.

The Chair: If members who do television programs in their ridings wanted to have Mr White or someone else on their cable program and then use that video, I am sure that could be made available for that purpose, which might be helpful to make the public aware of the information act.

Mr Callahan: Do you have to apply under the freedom-of-information act to get it?

The Chair: We could probably short-circuit that a little.

Mr White: It is publicly available without charge.

The Chair: If there are no further questions, I want to thank Ms Platt, Mr White and Mr Campbell for coming this morning.

We will have Mr Eichmanis, Valerie Sharp and Sidney Linden, the commissioner, before us tomorrow at 10 o'clock sharp, if you have further questions at that time.

I want also to apologize on behalf of Mr Elston. He asked me to extend his regrets that he was not able to be here today because of his other piece of important legislation that is before a legislative committee. I knew some time ago that he would not be able to be here, but we still wanted to get the ball rolling on the review. So that is why we are proceeding today and tomorrow. We will have more time on this, either in the spring session or in the summer.

Same time, same station tomorrow.

The committee adjourned at 1155.

CONTENTS

Tuesday 23 January 1990

Freedom of Information and Protection of Privacy Act, 1987.....	M-3
Management Board of Cabinet.....	M-3
Adjournment.....	M-21

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Chair: Epp, Herbert A. (Waterloo North L)

Vice-Chair: Ray, Michael C. (Windsor-Walkerville L)

Breaugh, Michael J. (Oshawa NDP)

Brown, Michael A. (Algoma-Manitoulin L)

Campbell, Sterling (Sudbury L)

Cureatz, Sam L. (Durham East PC)

Eakins, John F. (Victoria-Haliburton L)

Farnan, Michael (Cambridge NDP)

Johnson, Jack (Wellington PC)

Kerrio, Vincent G. (Niagara Falls L)

Sullivan, Barbara (Halton Centre L)

Substitutions:

Callahan, Robert V. (Brampton South L) for Mr Kerrio

Cooke, David R. (Kitchener L) for Mr Eakins

Polsinelli, Claudio (Yorkview L) for Mr Campbell

Clerk: Deller, Deborah

Staff:

Wilson, Jennifer, Research Officer, Legislative Research Service

Witnesses:

From the Management Board of Cabinet:

White, Frank, Director

Platt, Priscilla, Legal Adviser

Campbell, Terry, Policy Adviser







JAN
XC 20
- L 20

Publications

No. M-2 1990

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on the Legislative Assembly
Freedom of Information and Protection of Privacy Act, 1987

Second Session, 34th Parliament
Wednesday 24 January 1990



Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

REVISED NOTICE TO SUBSCRIBERS

Beginning with the resumption of the Legislative Assembly on 19 March, not the opening of the Third Session later in the year, the page size of Hansard will be increased to $8\frac{1}{2} \times 11$ inches from the present $6\frac{1}{2} \times 9\frac{1}{2}$.

Production of bound volumes of Hansard has been discontinued. Subscribers to the current session who wish to have a set bound at their own expense but who are missing some sittings may obtain complete sets or duplicate issues from the address shown at the bottom of the page.

However, beginning 19 March, complete sets will no longer be available. Subscribers who plan to have sets bound are advised to retain their individual copies.

The list of errata, usually included with the bound volumes, this year will be included with the index. This is the last time that such a list will be provided.

Because all committee sittings now are being formally printed, separate subscriptions are required for sittings of the House and sittings of the committees. Separate indexes also will be published for the House and the committees. Effective the end of 1989, they will be on a calendar-year basis, not sessional as at present. Page and sitting numbers now run from the beginning of the year rather than the beginning of the session as before.

Subscription information may be obtained from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday 24 January 1990

The committee met at 1013 in committee room 2.

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT, 1987

(continued)

The Chair: I call this meeting to order. Today we have Sidney Linden, the Information and Privacy Commissioner, and he has two colleagues with him. I will ask him to introduce them and also the order in which he wants to proceed this morning. Welcome to the session this morning. We appreciate the help you have given us in the past.

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

Mr Linden: I would like to thank you for inviting me to appear before this committee at so early a point in your deliberations. I look forward to the entire process of the three-year review.

We have here this morning John Eichmanis who, I am sure, is no stranger to most of the members of this committee. John is the manager of strategic planning and policy in our office. He is here to help me explain some of the materials that, I think, have been distributed. In addition, my executive assistant, Valerie Sharp, is here to offer assistance.

The way that we propose to proceed, subject to your approval, Mr Chairman, is to show a video which we have prepared. This is a video we are using in our outreach program. As various members of our office speak to different groups, we use a video. We have distributed the video widely. It sort of stands on its own and I thought we would begin by showing that to you. It gives you a pretty good indication or overview of our agency and how it is organized.

Then I thought I would make some remarks to you in a very general way about our office and how it is organized and structured and what its general mandate and role is in the system. Following that, I thought that John Eichmanis would take you through some of the materials that have been distributed, just to describe what they are. Then we would be happy to answer any questions that members of the committee may have.

The Chair: Good. Let's proceed with the video.

I just want to remind members that in the past we have had some difficulty with the recording here. If you are speaking, please speak clearly into the microphones so that, for posterity's sake, Hansard can pick up every pearl of wisdom that you want to share with your colleagues.

[Video presentation]

1031

The Chair: Thank you very much, Mr Linden. You have a statement you wish to make at this time? We will save the questions until after you make the statement. I think members have a copy of that statement which you want to go through right now, so they will be able to follow you very closely.

Mr Linden: I was going to say I have not seen this video for a while. It answers all the questions. There is really not much more for me to say.

The Chair: Shall we adjourn?

Mr Linden: I think we have described the general role and function of the Office of the Information and Privacy Commissioner in five major heading areas.

The first one is probably the most important one, the actual hearing of appeals, the deciding of appeals. In that way we operate much like any other administrative tribunal established under governmental legislation. No matter what else we do, that will always be the most important aspect of our agency's role.

The second one is to ensure, in a general way, that the government is following the act. We describe that as our compliance or oversight function. There is very strict and clear direction given to the government in this act. Of course, the Management Board of Cabinet is established to assist the government agencies in following the act, and our role as a compliance or an oversight agency is probably our second-most-important role.

The third is as a consultant almost, to provide opinions to government agencies on programs that they are about to embark upon that involve the collection, the retention and the use of personal information. The government gives the commissioner's office the right to order the

cession of a collection practice. It would be very unwise for the government to embark on some program only to learn that it is in conflict with some provision of our act. So this early consultation is another important aspect of our work.

The fourth role is to explain the act and how it works, a general public education and outreach function, which I also think is very important. Obviously the act is only as good as the people who use it make it. If people do not use it, then the act is not any good at all. So I think that is a very important part of our role.

The fifth and final role is what I have described as research and policy development. We think there is an important role for us to play in identifying and doing research and writing the kind of papers that you have before you. After I finish my remarks, John Eichmanis will describe some of them for you.

As I say, you have this document in front of you, but I will just go over it very quickly. I think it would be useful for the record if I just went through these things very quickly.

The primary function of the agency is to hear appeals from individuals whose request has been refused. They have asked for a record and they have received the response from a government agency, as the government is required to do, within a 30-day period indicating that their record is not accessible. The government also has an obligation to provide a reason, a section of the act, as to why the record is not available.

When that individual receives that letter, he is also advised that he has a right to appeal that decision of the government to our agency. The right to appeal is indicated right in the letter that the requester gets from the government agency. When we receive that appeal, the first thing that we try to do is mediate the dispute. We place great emphasis in our office on the mediation and the attempt to settle these disputes.

We have found in many of the cases that if we can find out exactly what it is that the appellant wants and exactly why it was the government is reluctant to give it out, we can often find some ground to effect a settlement. That has been a very important and a very effective part of our agency.

As I indicate here, approximately one half of our appeals have been resolved to the satisfaction of both parties in this settlement process. We will continue to emphasize that certainly as long as we can.

Unfortunately, all cases cannot be resolved that way. Sometimes precisely what the appellee

wants is precisely what the government agency is refusing to give out. When that becomes apparent, we move on to the inquiry stage. The inquiry is, of necessity, a little more formal. As I indicated in the video, the commissioner has to make a binding order. Because of that, some of the legal procedures have had to be developed to ensure that we are consistent with all the rules of natural justice and all the principles of administrative fairness.

I would be much happier if we could find a less formal way to conduct inquiries. We have been very conscious throughout the development of our systems to make them as informal as possible and still be consistent with the rules of natural justice and the principles of administrative fairness, because we know that as soon as somebody is not happy with one of our decisions, one of our orders, it is going to be reviewed by the courts. It is important that we not lose sight of that.

But we have tried very hard not to structure a formal court type of hearing. It was our view when we started that if we had a more traditional type of hearing what would happen is we would get backlogged before we got started. The experience of other administrative tribunals was enough to caution us to try to find some system that would work a little more expeditiously.

What we did was introduce a system requiring a written submission as opposed to an oral hearing, and we felt that if the parties insisted on an oral opportunity, we would allow it. We would just begin and see what would happen. We did begin that way, and to our surprise and amazement the vast majority of our appeals are now being resolved by way of written submission. The oral inquiry still occurs, but certainly not with any great degree of frequency. The parties seem to accept the fact that these decisions can be made on the basis of written submissions.

We are specific. What we do is prepare an appeals officer's report which indicates what the issues are dividing the parties and we ask the parties to comment on the issues that are dividing them. It is not necessary for the appellant to retain counsel. It is simple enough that they can do it themselves. Obviously the government agencies have the assistance of their legal staffs and the appellant does not in most cases. But in some cases, particularly in third-party commercial cases, the appellants, the third parties, do retain counsel. In some of our inquiries many different counsel have been involved, making the process very difficult.

After all the submissions have been received by our office they are reviewed, and then it is my function to make a decision resolving the appeal. This is, as I said, the most important part of our function. The orders that we issue are very much like judgements of the court. They have to be consistent with the rules of law, with the cases that have been decided in this jurisdiction and in others, and we have been very careful in the way in which we have written those orders up to now. At the present time we are up to close to 150 orders that we have issued since we started.

1040

The act provides no right of appeal. I think it is clear from the legislation that the hope was that most of these cases would be resolved at the commissioner's level and that resort to the courts would be infrequent. There is obviously a right of judicial review, and at the present time in only one of the cases that we have had, and that by a third party, has there been an application for judicial review. That is a record that we are very pleased with. Only Ontario and Quebec give the commissioner the power to make a binding order. Most of the other jurisdictions that have a freedom-of-information system establish their commissioner much like an Ombudsman who recommends the release of information.

As I said, the power to make an order brings with it the responsibility to act much more judicially than if we were only recommending. In the first two years we have received approximately 756—and the numbers have not been exactly tabulated yet, but I think that is pretty close—appeals. We received slightly over 300 appeals in our first year and around 400 in our second year. The number has gone up. I think the slightly over 300 was a little exaggerated, because some of them were multiple appeals in the first year. But in the second year there is no doubt that we have received over 400 appeals. We have written approximately 150 orders up to the present time. We disposed of 570 cases by the end of 1989. The number of open cases that we are carrying forward is what I consider a reasonable case load. So at the present time there is no backlog.

Another important function of our office is, as I described, compliance oversight. The Management Board of Cabinet is responsible for implementing and administering the act within the government. Our office's function is to ensure that institutions comply with the requirements and standards that are set out in the act.

I think it is important for me to say here that the fact that we have been able to develop a good,

healthy working relationship with the Management Board of Cabinet has been one of the reasons we have been as successful as we have been up to the present time. We respect the different roles that we play, but we have had extremely good co-operation and an extremely healthy working relationship up to the present time with the Management Board of Cabinet.

The act requires institutions to collect personal information directly from the individual, and the commissioner has the authority to permit an indirect collection. He also has the authority to order the cessation of a collection practice. In order to make these determinations, we have to be able to review the way in which ministries and agencies collect and keep the personal information that they have.

Freedom of information and protection of privacy are concepts that have a long philosophical history but a short legislative history. Over time these will evolve, as the world evolves. The potentially adverse impact of modern technologies, in particular computers, on personal privacy is already widely recognized. If public concerns about the encroachment of technology are to be addressed, then some entity or agency has to be responsible for undertaking research and policy development in order to alert the public and to initiate debate. I believe that the act clearly makes the commissioner and the commissioner's office responsible for that function in Ontario.

Over the last year or so we have issued two major guidelines. We are involved in research in a number of other areas as well, but we have already issued two major guidelines. One of them is the fax guidelines, which I think you have a copy of, and the other is the HIV/AIDS in the Workplace guidelines. In both cases these have been issued to contribute to a better understanding of the privacy issues involved in these areas and to provide some practical solutions to how privacy can be protected when fax machines are used or when highly sensitive medical information is collected.

Another function is the education and public outreach function, as mentioned earlier. It has been recognized that the public will not exercise its rights when it does not know that they exist. The act directs our office to make the public aware of its rights under the act and to explain how the act works in general, and our agency in particular. The Management Board of Cabinet is responsible for educating the government agencies and the co-ordinators, but it is our function to educate the public as to how the act works.

Over the last two years the commissioner's office has published a brochure; others are on the way, they are almost at the printer now. We have produced a video which you have seen now. We have a newsletter that is distributed quarterly. The newsletter also contains summaries of all of the orders that the commissioner has made in the previous quarter. In addition to the newsletter and the summaries contained therein, there is another summary of orders which is released between newsletters. Summaries of orders are released eight times a year. We have talked to various groups and associations, and at the present time we are actively involved with Management Board of Cabinet in training municipal agencies for when municipalities and local government bodies have their own access and privacy act commence in 1991.

Finally, the commissioner and the commissioner's office have an advisory role to play in respect of proposed legislation and programs. We have the authority to make comments on the impact of such programs and legislation on the protection of privacy. We have endeavoured to fulfil this function by commenting on such proposed acts and bills as Bill 147, which dealt with independent health facilities, Bill 49, which expanded freedom of information and protection of privacy to municipalities, and Bill 52, which amended the provincial legislation and brought it into line with the municipal legislation, as well as Bill 84, which dealt with confidentiality provisions in other acts.

This rather quick overview of the Information and Privacy Commissioner indicates that it is a complex organization. In most other jurisdictions the two subject matters are dealt with separately, as, for example, in the federal context. We have some of the attributes of a court in our ability to issue binding orders. As a result, care must be taken to uphold the principles of administrative law. All of these functions, roles and attributes have an impact on the way in which the commission operates. I hope that we will be able to discuss the role of the commission in some detail during the course of this three-year review.

I would like to conclude by saying how proud we all are of what we have been able to achieve in a relatively short period of time and that I welcome the opportunity of participating in this review and in working more closely with the members of this committee.

Mr Eichmanis: If I may be permitted, I would just like to draw your attention to some of the material that was given to the committee

members. There was an annual report, which is the 1988 annual report. I should point out that this annual report contains an overview and goes into some detail of how the IPC or the information commissioner's office operates. It includes a review of the mandate, the organization of the commissioner's office, the procedures and practices.

Then the commissioner's office has a statutory obligation to report on the effectiveness of the act in each year's annual report. You will notice there that we have attempted to provide statistical information on the operation of the act and also some other valuable material about how the act is working, which you may find interesting.

1050

As well, there is a brochure in the folder before you that has gone out to libraries across Ontario, to various government offices, the co-ordinators' offices, the reading rooms in various government ministries. It has also been sent to shopping malls. In some of the food stores you have these little kiosks where you can pick up pieces of information. It has gone out to places like that. As the commissioner just indicated, we are in the process of doing a new brochure that will include the coming of the municipalities within the scope of freedom of information and protection of privacy.

As well, we began to issue quarterly newsletters to all the co-ordinators and to the general public. All the members of the House receive the newsletter. The purpose of that newsletter is to bring various issues, various happenings, if you like, within the commissioner's office, to the attention of the general public, to provide some guidance, some direction in terms of how to deal with certain matters. That quarterly newsletter also contains summaries of orders. As the commissioner indicated, those orders have a precedential value, something like court orders, court judgements. It was important, we felt, that those be issued as quickly as they are decided on in order to provide guidance to both the general public and the people in the ministries as to the direction the commissioner is taking on various exemptions and so on. So that is the purpose of the newsletter and the summaries of orders.

As well, as the commissioner has indicated, we have this policy research function and there have been two documents that we have issued in the past year dealing with the policy research function. One is the HIV/AIDS guidelines and the other is the fax or facsimile guidelines.

Those are the kinds of materials we produce for the general public and also for a narrow public within the government.

Mr J. M. Johnson: First of all, I would like to congratulate the commission and the commissioner. If you have only had one request for a judicial review, you must indeed be doing a fine job.

I just have one question pertaining to personal information. I understand that an individual has the right to ask for a correction if there is something inaccurate in that individual's file sheet or whatever, but how does an individual know what is on file, what the government has on file on that individual?

Mr Linden: They make a request. I think it is a misconception that there is a file that the government has on an individual. I do not think that is true. I think different agencies have different files for different purposes, and if you believe there is a file that the government has about you with information relating to you, you have the right to request it. You will receive the information that the government has about you, you are entitled to it, and if there is anything that is incorrect, you are entitled to ask that it be corrected. The government is obliged either to correct it or to attach your statement of disagreement, which will then form a part of the record.

Mr J. M. Johnson: Maybe just for clarification, I understand the government will have information in the Ministry of Transportation and the Ministry of Health, things of this nature, but how does an individual know really what the government has without having a request for—

Mr Linden: Before the government can collect personal information about you, with some exceptions—for example, in a police investigation they might collect information about you without advising you—but if the government is to collect information about an individual, it has an obligation to collect it according to the statute. They must collect the information according to the rules set out in the act.

They have to have authority to collect the information and they have to indicate what the authority is. They not only have to collect it pursuant to the authority, but they have to use it for the purpose for which it was collected and not for an inconsistent purpose. So if the government is asking you for personal information, you will be aware of it except in those exceptional circumstances that I mentioned; for example, if it is doing an investigation of you.

The RCMP, the OPP or the Metro police force, if they are investigating, are not going to advise you that they are investigating you. But other than that or the other exceptions—I am not

sure what the other exceptions are offhand—you will be aware that they are collecting your information. They have to collect it directly. They have to collect the information directly from the individual to whom it relates. These are all obligations placed on the government in the legislation.

Mr Eichmanis: I do not think I can really improve on what the commissioner says. But basically, how does the individual know that the government is collecting information about him? It is at the point when it is being collected, at that very moment. When you go apply for a driver's licence, you have to fill out a form that asks your name, your address, etc., right? That is when you know that the government is collecting information.

The only circumstances that the commissioner has indicated where you would not know is if the police are collecting something. Otherwise, at that moment when it is being collected, you know.

Mr J. M. Johnson: If the police are collecting and a file is kept, the individual has no knowledge of what is on that file but it could be released to other parties? Never?

Mr Linden: There are all kinds of protections. You can ask for your own information, but nobody else can ask for your information.

Mr J. M. Johnson: So that information would never be released?

Mr Linden: It is not supposed to be.

Mr Cureatz: Just for a moment, following down a step further, I encountered a particular situation where a constituent was applying for a job within one of the crown corporations. After some persistence, we were not making much headway. Finally, to the credit, I think, of the president of the corporation, he called me up and said to me that he had had his personnel staff review the file and that the person did not have the necessary qualifications. But more important, he said, and he wanted to tell me so I could use the information how I best saw fit, was that this individual had been laid off from a private firm along with a large number of other people through cutbacks and the personnel director from that firm had given a very bad rating in terms of that individual's performance.

The president of the crown corporation indicated that he could not evaluate whether it was true or not, but all he could read was what the bad evaluation was. As fate would have it, over the last number of months dealing with this individual I felt that it was probably inaccurate and I then

shared that with the individual who then went back to the original company. Sure enough, it was inaccurate. For some reason, the personnel person in charge was not overly kind to this individual and gave him a very bad rating.

In that regard, could that individual now—this was about four years ago—apply through you to the crown corporation for the information and, unbeknownst to the private company, then get that information? Do you know what I mean?

Mr Linden: I gather from what you are saying that the information, the record—remember, the act deals with records, it deals with something that is written down or in a computer form or something like that. If it is an oral communication, there is no way that you can receive that. I suppose a more proper term for it should have been access to government records as opposed to information.

Mr Cureatz: Well, it is personal data on an individual making a job application. Would that not be a government record?

Mr Linden: The record that you referred to, if it is a bad evaluation that was created by a private firm, would that evaluation, would that record be given to a government agency?

Mr Cureatz: Yes.

Mr Linden: I think the person is entitled to apply for it. Whether or not an exemption would apply—I do not know at the moment whether there is any reason why he could not apply for the record. He may get it.

1100

Mr J. M. Johnson: I am still not clear. I understand that if you ask for information from a government agency or ministry and it is denied, then we go the route through your commission. But an individual seeking information on himself, wondering what is in the file, he cannot go to all the government ministries and ask each of them. Can they simply go to your commission?

Mr Linden: No.

Mr J. M. Johnson: What recourse do they have to determine what is on file?

Mr Linden: It takes a bit of work, unfortunately. I think it has to be that way in order to keep government from compiling composite dossiers on all of us. It would be very easy to do so, but I think it would be offensive. I think the result of that is that it makes it a little more difficult for an individual. There is no one-stop shopping. We want to prevent that.

If you want to get information, you have to get the government directories that are mentioned in

the video and the government directories will tell you all the information banks that exist in the government. That is a remarkable document in itself, a wonderful document, a wonderful source of information. You go through it and think about where there might be information about you. Have you had any dealings with the Ministry of Transportation? Have you had any relationships with the environmental protection agency and so on? You make your applications to those agencies and you have to speak to those co-ordinators.

They are obliged under the act to assist you. There is an onus placed on a government co-ordinator to assist you and to forward your request to the appropriate agency if he does not have any information. So there is some help offered to you by the co-ordinators, but you may have to go around to several agencies and see if each one has information about you. It may take some time and some work.

Mr Breaugh: I think for most of us who follow this the truth is that the act, in its broadest sense, really only came into effect this January. It has been in business for a while, but not at full tilt.

Some things are beginning to concern me a little bit now, and I would like you to keep this in mind when you go through your own reporting process. I am not convinced that we have dealt with the commercial application of all of this. Somebody who sets up shop now and decides to learn the process well then has a product that he or she can market in the private sector. We have gone to some lengths to make sure that, whether one agrees with the rates that have been set or how much it costs you to get this information or not, we kind of bend over backwards to see that the government of Ontario, in preparing the information, does not make a killing off it. We would be kind of nuts then if we turned around and let some sharpie in the private sector come in and say: "I can get civil servants to run their computers for 25 hours much cheaper than I can do that. So let them do the work and I'll make the profit. I'll sell the information to somebody."

I am interested in what kind of reporting mechanisms or how you intend to track that. One of the things that concerns me is that if that became a widespread practice, we would obviously have a problem there that is wrong. Is there any way to identify, for example—I suppose it would be possible as long as it is small, internal and the same guy coming to your office asking for information, but it is not set up that way. This same person could be going out to various

ministries, beginning the process that way. From your point of view, you may be able to identify that person by his or her name, but he may simply be making the application under a private name and then turning it into a commercial business afterwards. Is there any attempt being made to try to track through the system?

Mr Linden: We have a very good tracking system now, Mr Breaugh. Our systems internally are extremely good. I think, with great respect, that the problem you describe is more theoretical than practical. It is theoretically possible, there is no doubt about it. I am quite familiar now—I was not when I started—with the way in which the act operates in the United States. In the United States, what you say has actually happened in one instance.

There is a company, National Security Archives, which makes a business of obtaining government records and warehousing them or storing them differently in computers than the government does. They can access it much more effectively and much more quickly than the government can. When researchers and scholars want government information, they do not bother going to the government agency because they know it is going to take them years to get it. So they go to this agency and pay for it. That has happened in the United States.

The volume of records that they have and the kinds of records that they have, and we are talking about national records, national security records and international records and so on, have been able to support one such operation. The volume that we have in Ontario and the kinds of records make what you are saying not very viable commercially, though theoretically possible. I think that if it were to happen, the systems we have in place would allow us to identify it.

There is no doubt that anybody can ask for anything any time in Ontario. We are not even entitled to ask what they want it for. There is no doubt that people could set up a straw man, request it and we would not really know who was really behind the request, nor would we have the right to ask. The potential for abuse exists, but the danger of trying to track that too tightly is greater than the potential danger of the scenario you have outlined actually occurring. I do not think it would occur; if it did occur, we would know it, based on the systems we have now.

Mr Breaugh: Let me break the news to you: it is occurring now. There are people who are making a very good living off the government system we set up to deal with the public at large. They have simply used the opportunity—I am not

suggesting there is anything illegal about this. They have simply learned the law, learned how it works and they are now charging the private sector for what it should be able to do for nothing. That is not to mention another area.

I have always been a little disturbed by the fact that the private sector is doing its job. They understand how these laws work, they understand how to get information out of government and they get it. I do not want us to stop that flow of information completely, but I am somewhat concerned that my car insurance company has a lot of information on me as a driver and gets it regularly before I get it. Unfortunately, it is not always accurate information either. Anybody here who has had an opportunity to deal with the Ministry of Transportation and its computers knows that it does not exactly have the world's greatest record for accuracy.

So I am somewhat concerned that this be monitored and reported on in some way regularly. I do not want a huge industry to blossom all of a sudden. I do not object particularly to something like an insurance company having access to public records. I do not even object, frankly, to an employer having some limited and regulated access to some information which a government may have about an individual. But I do want us to keep a tab on that and I want to see a regular reporting mechanism put in place. As long as you give me some indication that you are at least aware that those abuses could occur and that you are going to try to keep track of that, it seems to me that is the best we can do at the moment.

Mr Linden: I understand what you are saying. We know that there are some individuals who become advocates or professionals in the field. We are aware of that. We know that there are some people who access information on behalf of news agencies. They sort of operate as a lead man. We can tell from the stories that are eventually released in the media.

We know that an individual who we would not have thought was connected with any news agency makes a request and, when the information is released, you subsequently see a story in the Ottawa Citizen, the London Free Press or something like that. We know that there must be some connection in that way. We are conscious of the problem and I assure you we will keep our eye on it, and if it does occur, we will report it.

As far as the aspect you mentioned about Transportation is concerned, that has been a very serious issue with us. Almost from the time we started, we were aware that the Ministry of

Transportation kept these records in a way that left some questions unanswered. Some people had access to the data banks and others did not. The basis on which some did and some did not was never clearly spelled out by the ministry. We identified that issue for them and we have had meetings with them, which have been going on for more than a year now, trying to bring their system in line with our act. We are making great headway, and when we do that we will be reporting it in our annual report and elsewhere, because it is a major compliance effort for us right now.

1110

Mr Eichmanis: I just want to go back to Mr Breaugh's issue. We are at the back end, we are the appeal body. Trying to identify the users is something that the agency should identify when the request first comes in. It is hard for us at the other end to kind of see who is at the front door when we are at the back door, so to speak. In order to be able to track what you are suggesting, it would be something that would have to be taken on by the ministries and agencies. That is something that they would then report to us and we would then collect that information, but we, on our own initiative, cannot really do that.

Mr Breaugh: No, I understand that but I also want to make this clear: A person who is operating a business of gathering information may well go to only one ministry on one occasion in a year and he may spend the rest of the year going through different ministries and different agencies. So they may only see that this request from this individual has come in on only one occasion and we would all say, "Well, that is not an abuse of the system." But he may be working 12 months of the year and he may be going to each one of the ministries, maybe only on one occasion, and maybe to several different agencies, perhaps only two or three times, and so from every individual ministry and every individual agency's point of view: "Well, there is nothing wrong here. We only see this guy once a year."

But you add it all up and he has a full year's work of going to different ministries and different agencies and the only people who would be seeing the cumulative effect of that would be you at the back door where you could add it up or you could ask them to report something like that. I am just saying I think there is an opportunity here for some substantial abuse and I would like to get it flagged and try to follow it through the system.

Mr Linden: If they get the information they are requesting at the front end, they would never appeal to our office. It would be very difficult for us to get that. As I say, we would try to keep some way of tracking it, but if they do not appeal to our office, it may be that we would never know about it, except as we know in the natural course what is going on.

Mrs Sullivan: My questions follow very much in the line of Mr Breaugh's. Some of our concerns relate to fundamental conflicts between rights: the right to privacy and the right to know. In the case of, say, personnel records, there will be, for example, health information recorded.

Moving on from the commercialization case, where I concur with Mr Breaugh's viewpoint, it seems to me that at times a judgement relating to the need to know may indeed be an important judgement and the legislation does not allow for that. By example, where a spouse of an HIV patient requests information relating to any health records that existed, say, in a personnel file, that may be judged in a way that would be different from an employer in an office situation. The judgement from a medical institution in that same area, once again, may have different implications than somebody who was going to be clerk of a committee being interviewed in that situation or whatever.

I am wondering what tracking or what thoughts you have on the use of need to know in terms of the applications that come before you. I have had situations in my constituency office where we have had to provide advice, based on the nature of our information and privacy act, that the freedom-of-information act probably would not apply because of the nature of the information that was being requested, no matter how much the person felt his right to know or his need to know was a valid right.

The other area that sort of moves into that, in the need-to-know situation, relates to the questions of information that would be routinely passed on over the telephone that indeed perhaps ought to be more carefully protected. Once again, I am thinking of transportation but there are other areas as well where the act is never even invoked. It may also be to a third party rather than to the first party who is affected.

Mr Linden: Did you say "where the act is never invoked?"

Mrs Sullivan: Yes, because the information is routinely distributed.

Mr Linden: If I could deal with your second point first, I think that a lot of people were surprised, when the act began in January 1988,

that some information that they were routinely getting before the act they were not getting after the act. There was some criticism of that, "The freedom-of-information act it has resulted in our getting less information," and I think the answer is they forgot that it is freedom of information and protection of privacy. I think that a lot of ministers, boards and agencies reviewed their practices of giving out personal information.

Mrs Sullivan: We as members certainly found difficulty in the beginning, the startup, in dealing with constituency cases frequently.

Mr Linden: That is right. The act was criticized at the outset, but it is a double-edged issue, and even members now have to follow some procedure, some authority, before even they can get information because the potential for abuse is there. I think that all government agencies and boards have reviewed their practices and procedures since the act has come into effect. I think in some cases information that was freely and routinely available before is not so freely and routinely available now, because of the protection of privacy part of the act. It is not perfect yet, there is no doubt about that. It takes a while for agencies to bring their procedures into line with the act. Transportation is a classic example. We have been working with them, trying to bring that massive database that they have into line with our own. That is the only way I can answer that. It is not there yet, but we are getting closer.

As far as how you balance a person's need to know with an individual's right to privacy is concerned, that is the delicate balance that is set out in the act. This act is pretty good in that it provides some assistance to the adjudicator, to the decider. It sets out a series of presumptions; you know, this kind of information in these circumstances is presumed to be an unjustified invasion of privacy. It gives some guidelines and some assistance to the adjudicator, but in the final analysis, when all is said and done and all the submissions are made, it often comes down to a simple balancing of interests between one person's right and another person's right. You stack it up and sometimes it tilts this way and sometimes it tilts that way. All you can do is set out what factors you took into account in arriving at your decision, set them out as clearly and as concisely as you can and hope that you come to the right decision, just as a judge does. There is no magic, there is no formula. In the short time that we have been in operation we have had to make decisions on the unjustified invasion of privacy, which is the balancing of one person's

right to know against another's right to privacy. In some of the cases, we have come down in favour of access and in other cases, we have come down in favour of privacy.

As time goes on, some academics will be able to look at our track record and see if we are going all around the place like a drunken sailor or if we have developed some clear and consistent principles, which will be some guidance, some precedent, for other cases. They can read our earlier cases and come to some intelligent conclusion as to how we might decide that case when it comes before us. It is almost impossible to give you an idea of how a particular fact situation would be decided. In other words, if you were to frame a particular case that you were interested in, how would you decide this? It is virtually impossible. When the case comes before us and we line up the evidence and the submissions, we make a decision on that case. That is the only way the act can work.

Mrs Sullivan: Do you have many occasions where a public servant would come before you for information relating either to occupational health and safety matters or to test results subsequent to a chemical spill or a radiation leak, say, with Ontario Hydro?

Mr Linden: There have not been many, but there have been some cases of the kind you describe. Again, I have got to keep remembering, as John has pointed out, that we are the back end, we are the appeal agency. We are very interested in what is going on at the front end, we try to pay as much attention to what is happening as possible. But the actual request for information at the front—if the request is allowed and the person who is asking for the information gets what he wants, or if he does not get it but he accepts the rejection from the agency, we may never know about it. So my knowledge is not complete. All I know about are the appeals, where the person does not get what he wants, is not happy with that decision and appeals. We have had some appeals where a person has asked for certain occupational health and safety information, not received it and we have had to resolve those issues on appeal. Some of the orders that we have made deal with those issues.

1120

Mrs Sullivan: In those cases, do you see a conflict between the need to know and the right to privacy relating to information that might be on file?

Mr Linden: I cannot generalize, I honestly cannot. If you read the orders—I would be happy

to provide you with a copy of an order that deals with the issue. In the particular facts of that case we would make a decision that way; in another case we may decide it in a different way. It is impossible to judge these matters in advance or to provide any general view as to which value you deem more significant or more important in the abstract.

Mrs LeBourdais: I basically want to find out how does an individual get a record cleared or changed. Perhaps a credit rating has changed over a number of years from something that one had in one's youth and time has passed and that has been cleared, a charge by the court has been changed or cleared, an individual's name was incorrectly punched in because it is a very similar and very common name. How can one find out if that is happening on a continuing basis or in fact that an error is there which—for instance, the example that Mr Cureatz is giving, this individual applying for jobs, not getting the response he is expecting and it is because there is something in his record that has not been cleared or is false to start with. How do you clear that up? How do you know it exists to start with?

Mr Linden: I suppose you did not like the answer I gave Mr Cureatz. I have to try again. I am sorry.

The Chair: This may cause you to go up and down those valleys you talked about.

Mr Linden: We do not have any jurisdiction, the act does not have any jurisdiction over the private sector or some agencies that are not covered by the act. The act only covers agencies that are spelled out in the regulation. Credit-reporting agencies are technically not covered by the act. So we do not have anything to do with them. That is one of the big problems.

Mrs LeBourdais: I see.

Mr Linden: But generally speaking, the answer I give is essentially the same as I gave Mr Cureatz. I will try to make it a better one. If you think that any government agency has information about you—or you should know that they do because you have provided it, right? If you think that you want to see the record, you have a right to ask for it. It is a simple question of asking for it. You do not have to go through any magical procedure or anything; just say, "I want to know what records you have about me," and they will give them to you and you will read them.

Mrs LeBourdais: Should one then perhaps assume, if you have been born and brought up in Ontario, you have gone to school here, you have

acquired a driver's licence, there is going to be one.

Mr Linden: There might be one.

Mrs LeBourdais: There would have to be, not might be.

Mr Linden: There are some rules regarding retention and disposal. Each agency has certain rules regarding how long they keep it and the circumstances in which they dispose of it. You do not keep everything for ever. That is another obligation placed on government agencies under this act. They are supposed to develop retention schedules and dispose of records in an orderly fashion so we do not find records in a shoebox in a corridor of a government building somewhere. They are supposed to keep it secure for the purposes for which they need it, the reason why they collected it in the first place, and when they no longer need it they are supposed to dispose of it according to their disposal schedules so we will not have a situation of somebody having a record that they do not need for ever.

One of the first things I did when I started was speak to some deputy ministers about this act. I remember when I spoke to the Deputy Minister of Education he welcomed the act. He was saying to me: "We've got boxes that have been here since long before I came. I have no idea why they're there or what's in them. This act gives us an opportunity to go through that and decide what we need and get rid of the stuff that we do not need any more." So I do not think it is fair to assume that if they have a record about you from when you were five years old, they keep it for ever.

If you want to know if the Ministry of Education has any information about you, you are entitled to ask for it and it has an obligation to give it to you. You can look at it and if there is anything in there that you feel is inaccurate, incorrect or incomplete, you have the right to ask them to correct it or complete it. If they do not, then you can add a correction, a note or an attachment which then forms part of that record. It is a wonderful right that this act has given the citizens of Ontario, not used often enough. It has been used, but not often enough.

Mrs LeBourdais: When you say that you do not have any control over the private sector, are you saying that you do not have any control over what it does with the information or the fact that it is failing to correct a change in the information? Would you potentially have the piece of information to start with but just do not have control over how it is used because it originated from the private sector, or a correction should be made

and you know that a change exists but it has not been made to you?

Mr Linden: No, the private sector agencies or the private sector companies are not covered by the principles of the act. Theoretically, they can do anything they want. Maybe it is an invitation to you to extend the operation of the act to cover the private sector. You may get some resistance. At the moment there are very few guidelines or very few directions.

Some private sector agencies, including banks, have begun to embark upon a program of protection of privacy which brings them almost into line with the principles contained in our act, but it is done on a voluntary basis. There is no way that any government agency at the present time, under this act, can audit private sector recordkeeping systems to ensure that they have been kept according to the principles of the act.

Mrs LeBourdais: Essentially then, the information you have is just information that comes through, in effect, government agency or ministry sources.

Mr Linden: That is right. The act only applies to ministries and those agencies, boards and commissions that are expressly enumerated in the regulation.

Mrs LeBourdais: Period.

Mr Linden: Period. In Europe, the data protection commissions have jurisdiction over the private sector, a very significant distinction.

Mrs Sullivan: You were telling us about moving into the private sector, in relation to the maintenance of personal information in a data bank.

Mr Linden: I am sorry, what was the question?

Mrs Sullivan: What are your comments?

Mr Linden: My comments?

Mrs Sullivan: Yes, on moving into the private sector.

Mr Linden: It is much too early for me to even think about that. We have been so overwhelmed in the first two years dealing with this massive government of Ontario, and the fact of extending to municipalities—2,000 or 3,000 local government agencies a year from now—is just more than I can imagine at the moment. If we were to extend to the private sector, sure we could do it, but we would need a bigger staff and a bigger budget. I think it is premature at this stage of the game.

The Chair: I am not sure we would welcome the bureaucracy that you would ask for.

Mr Eichmanis: I will just make a comment following up on Mrs Sullivan's question. The Organization for Economic Co-operation and Development some years ago asked that all participating countries, all signatory countries, ask their private sectors to comply with the code of fair information practices. The federal folks are attempting to get the banks, which are federally regulated, to comply with the privacy code. Certainly at this moment in time that is the only extent, or the furthest they have gone, in terms of trying to bring the private sector within this umbrella of the code of fair information practices. It is really a way of trying to bring the private sector, on a voluntary basis, within the umbrella of this code and these concepts of privacy. But neither at the federal nor provincial levels are there any attempts, at least at this stage, to legislate the private sector.

1130

Mrs Sullivan: It is certainly something to think about because there are so many national and international exchanges of information that exist now, and control over them is something you might want to look at.

Mr Eichmanis: For example, if there is an exchange of your personal information between the province of Ontario and the province of British Columbia, where there is no privacy act equivalent to this, you do not have the same guarantees that in British Columbia that information will not be disseminated in a way that we in Ontario would find offensive.

Mr Linden: Our act touches on the private sector in many ways. I do not want to go into in any great detail, but many companies are obliged to provide information to various government agencies—regulatory agencies, licensing agencies—in the natural course. Government does possess a great deal of information that relates to private sector companies, obviously.

It has been a big surprise to me—I guess I did not understand as well how the act works before I started as I do now—that one of the big users of the act and of the system is the private sector, company A requesting information about company B and companies trying to gain access to other companies' information that the government has. Very often the government becomes a neutral player. It is company A versus company B with us brought in in the role of the adjudicator and the government as a spectator virtually not caring which way the decision goes.

The Chair: Before Mr Ray has some questions, but while we are speaking about this and

Mr Eichmanis's comments here, I am just wondering—and this is more federal than provincial—when you are talking about the private sector and so forth, what about your social insurance number? The banks are now asking individuals to provide their SINs and individuals are saying no, they are not going to provide it. Are the banks in a position to require you to do that? I realize it is more federal than provincial. Can you just deny them that information and they cannot deny your loan or whatever on the basis that you have denied them your SIN?

Mr Eichmanis: I think I am correct in saying that the Bank Act was changed, which requires the banks now, legally, to ask for that number. Sorry, it is the Income Tax Act. When you receive interest on your savings bonds and all that kind of stuff, the Department of National Revenue in Ottawa wants to track that. You have to provide them with your SIN in order for them to track that. But I think the federal government amended the Income Tax Act to permit the banks to ask that question about your SIN.

It is interesting to note that the Privacy Commissioner of Canada has said, and we are not sort of encouraging this but I am just relating to you what the federal privacy commissioner has said, that, yes, you can provide them any number you like.

The Chair: You are saying that the federal tax act was amended so that the banks can now require you to give it?

Mr Eichmanis: Legally require you to provide them your SIN.

The Chair: Which is a very strange way of going about things, where the individual now has to provide his number to a private corporation.

Mr Eichmanis: That is right. Because the federal government will require the banks to convey information about your interest, your bank account, to the department of revenue in Ottawa in order that it be able to track whether you are telling the whole truth and nothing but the truth about your financial affairs.

Mr Linden: We have embarked on a program of keeping in touch with our counterparts in Quebec and in Ottawa. Coming up in February, we have what we call a privacy summit. The federal privacy commissioner and the Quebec commissioner and I get together—

The Chair: Is this going to be public? Do not forget you are on the record.

Mr Linden: —and we talk about issues of mutual interest and try to develop policies that are consistent. The SIN issue is one that has been

dear and close to the heart of the federal privacy commissioner ever since his appointment some six or seven years ago.

The Chair: The reason I ask is that I have a letter that draws that to my attention. This person, who said I could make the issue public—I have no intention of making his name and so forth public—said that the bank is after him right now to give his social insurance number. He will provide it to any government agency but he refuses to give it to the bank, just on the basis of principle. He just does not think he needs to give it to a private institution. That is why I asked.

Mr Eichmanis: That was roughly the position of the federal privacy commissioner.

The Chair: Interesting.

Mr M. C. Ray: My interest in this was kind of perked when I thought I heard Mr Eichmanis say at the beginning something to the effect that in a free and democratic society we want access to information to encourage us in our participation in public policy formulation, something along that line. Is that correct?

Mr Eichmanis: I think so. Something along those lines, yes.

Mr M. C. Ray: I think we who happen to be elected members of the Legislature, and I am sure the citizens at large, who would like to play a meaningful role in policy formulation would have some difficulty in understanding how we can use this act to assist us in that when we see in sections 12 and 13 the protections given to cabinet records and the advice to government given by way of other records that may ultimately be submitted to cabinet. I guess my question is I want to know how we can use this act to get more information, not about people, persons, but about issues, policy options and factors that the government is going to take into account before it makes its decision. It seems to me this act is designed to protect us from that kind of information. Could you tell me what your view of that might be?

The Chair: That's an easy question. It's the answer that's complicated.

Mr Breaugh: In a more open society like Romania—

Mr Eichmanis: I think it would be fair to say that in the latter half of the 20th century governments, including the one in Romania, are probably the biggest depositories of information data around. Now, there are two ways of going about this. Either you keep all that data, statistics, empirical information to yourself, that is, the government keeps it and makes decisions,

options, on the basis of all that data being kept to itself; or that factual information, empirical information, statistics, etc., is provided to the public so that when there is planning—for example, Ontario Hydro does emergency planning—it provides that data to members of the public, which allows them to go over those statistics, the factual information, and to come to their own conclusions about the options they would like to pursue.

In other words, the act is not designed for ordinary citizens to participate in the policy-making process of government; that is, the cabinet, etc. It is to allow the public to have the same factual information on which the government bases its policymaking processes, to have that information go to the public in order that it can make those kinds of determinations, those kinds of options.

Mr M. C. Ray: Yes, but I am not sure it does even that in this act. In section 13, on advice to government, it lists a number of things, records that may be made available. It reads well until you get down to clause 13(2)(i), where it says "unless the plan or proposal is to be submitted to the executive council or its committees." The same is true of cabinet records.

1140

Just taking a reading of it, it seems to me that the only exception or way around it is section 11, where they impose a duty on the government to reveal in the case of "grave environmental, health or safety hazard to the public." Is that the only way the public can use this act to get information which quite frankly I do not see as needing to be held in secret as often as it is? But that is just a personal opinion. How else? Are there any devices available in this act we can use, other than section 11, to extract from government the kinds of information that people might want in order to assess the government decision that is about to be made?

Mr Linden: You have to turn the act the other way. You are looking at the act on the basis of what you can use to get information. What you are reading is an exemption, not a right to information. You are reading upside down, with due respect.

Mr Breaugh: Sometimes you have to.

Mr Linden: You are entitled to anything; that is the way to approach it. The way to approach this act is that the citizen in Ontario is entitled to anything the government has, period.

Mr M. C. Ray: I wish it were a period.

Mr Linden: That is the beginning point. You do not have to find a section in the act that authorizes you to get a certain piece of information. The government has the onus, the government has the obligation of satisfying you, and ultimately me, that the act prevents it from making a piece of information available. That is the way it works. So the government claims the exemption, and if it can ultimately satisfy me—that is the way the act is structured—that the record that is being claimed fits within the exemption, out it goes.

The Chair: You are pretty hard to satisfy.

Mr Linden: You want to ask me how I interpret the section in a particular case. I cannot tell you, except the ones we have already decided. We have 150 out there for you to look at and some of them deal with that section. You can read them and see how we have interpreted them. But a future case, if you ask for a particular record, is it going to fit within the exemption or not? I do not know. It depends on the arguments, the submissions and the facts of that particular case at that time.

Mr Breaugh: Could I get a supplementary in on this?

The Chair: Just one moment.

Mr Eichmanis: I just want to point out that subsection 13(2), the advice and recommendations, provides a long list of things that are exceptions to the exemption, if that makes any sense.

Mr Breaugh: How about a thing like the greater Toronto area, which I know exists because I have heard people talk about it and I have read newspaper stories about it? But it does not exist in law, it is not part of a ministry and it is not part of a regional government. But I do know they are doing studies, making plans, awarding contracts and giving out all kinds of ideas about what might be done. How would I make an application about a study done by the greater Toronto area, when the greater Toronto area does not exist in law, does not have staff, does not have an office and cannot be found, it just functions? How do we deal with something like that?

Mr Linden: Again, with respect, they exist and they have an office.

Mr Breaugh: Where?

Mr Linden: I think I know where it is; I am sure you know where it is.

Mr Breaugh: No, I do not.

The Chair: There is a deputy minister who is responsible for it, Gardner Church.

Mr Linden: There is a deputy minister.

Mr Breaugh: No, no, wait a minute. There is a deputy minister who is responsible for the greater Toronto area.

Mr Polsinelli: And the greater Toronto area is defined.

Mr Breaugh: And the greater Toronto area is defined in a taxation law. But if I want to get a copy of the study done by the greater Toronto area, I do not want to hear that the deputy minister is responsible for the greater Toronto area but that study is the possession of something called the regional chairmen's committee, which does not exist. There is a catch-22 here.

If you go to the regions and you ask them, "What is the greater Toronto area?" they say: "We know nothing of it because we're not part of it. We haven't signed any agreements and none of us was elected to that." If you come here to Queen's Park and you ask the ministers here, they say: "We're not part of that either. That is the regional chairmen." So where do we go to get this information?

Mr Linden: Very soon the municipalities are all going to be covered by the act.

Mr Breaugh: Very soon.

Mr Linden: At the present time that deputy reports to a minister, there is no doubt about that, and there is a head of an agency, as defined in the act, who has a responsibility for that deputy minister.

Mr Polsinelli: Until that time, would it not depend on who commissioned the study?

Mr Breaugh: If the greater Toronto area commissions the study—

Mr Polsinelli: Who is the greater Toronto area?

Mr Breaugh: That is the question I am asking.

Mr Polsinelli: I do not understand your question, because the GTA is a geographical area, it is not an entity.

Mr Breaugh: It is a hell of a long walk.

Mr Polsinelli: If there are studies that have been done with respect to that geographical area, I would think that if those studies had been done by the Ministry of Municipal Affairs, then a request could be made through the access to information. If those studies have been done by the municipalities or the regional governments, then you would have to wait until 1 January 1991 to get those.

Mr Breaugh: Probably it was done by neither.

Mr Polsinelli: Then they do not exist.

Mr Breaugh: That is what I thought. I am just worried that the contract will be let before the entity exists.

The Chair: Is that what it took for you to be looking to other pastures?

Mr Breaugh: Yes.

The Chair: Mr Linden, you said that in about half the cases it is just a matter of communication between the ministry and your office in order to be able to resolve these requests for information. I think you indicated that in your opening statement. Is it your impression that that information would have been provided prior to this if your office did not exist or, because you exist and therefore you can go a few steps further, rather than fight it they therefore give the information?

Mr Linden: I hope you will permit me to claim a little credit. I think it is because of the existence of our office and the very skilful work of our appeals officers and, incidentally, the power given to the commissioner to make a binding order. That has some bearing on being able to effect settlements.

The Chair: Yes.

Mr Polsinelli: Maybe we should all take credit for taking the initiative and passing the legislation which created the commissioner.

The Chair: In essence, it is working out very well. Does anyone else have any further questions? If not, I want to thank you for coming, Mr Linden, Mr Eichmanis and Ms Sharp. It has been a very productive morning and a very productive day yesterday.

I am going to ask members to stay behind because I think what we should do now, as a second part of this, is just take a look at where we want to go from here. We may want to set certain wheels in motion as to what we might do. You may stay because you might be able to help us with this. I just wanted to draw this to members' attention.

What we might do is get our research officer to compile information regarding the Ottawa and the Quebec jurisdictions; there are probably only three in Canada that are very productive and helpful from our standpoint. I do not know of any others that even really exist, but they are probably not as helpful because they are very small in size and so forth. Are there any others?

Mr Linden: In the other jurisdictions where they have a freedom-of-information act, the overseeing agency is the Ombudsman.

The Chair: They do not have a separate office?

Mrs Sullivan: Would the commissioner's office already have that kind of review of existing treatments of information and privacy in other jurisdictions? Maybe we do not have to duplicate research. No, we have to duplicate research. Okay.

The Chair: We would work very closely with you and Mr White from the Management Board of Cabinet.

The second thing we might do is to have some hearings in the summer, in July or August, and in order to do that we would probably have to advertise. There are probably three parts to that.

One is we would look at having some additional input from the commissioner's office and from the ministry, maybe the first part of that, early in our discussions.

1150

The second part would be to advertise for public hearings. Then we would have public hearings, which could all be here or in some other areas, depending on the response that we get from our advertising and sending letters out to interested individuals. I think it is often the most productive to send letters out to people who might be interested and who might want to come forth with some suggestions as to how we might improve the act.

Then the third part of that would be to write the report. All of that could be done in two or three weeks in the summer. That is just a suggestion, and I am just wondering how members feel about that, or do they need more time to think about it?

Mr Eichmanis: I just want to comment. If you are thinking of having hearings in the summer—because, as you know, there are 68 sections of the act, 67 or 69, whatever it is now—you should probably advertise those hearings no later than March to allow people the time to think about what this all means and how they would like to have a change and so on and not sort of tell them that they have a week to prepare a submission. I think it would be useful to maybe do it three or four months, or whatever, ahead of time, to say that we are going to have hearings in the summer and you should have the submission in by the end of June, for example, to the clerk, and then, depending on what your vacation schedules or other business is like, schedule the three weeks some time during July and August.

Also, by the end of June the staffs would have all the material prepared for you, the analyses of various sections of the act and the comparative

material. We will have our annual report available by the end of June. All that would be available to committee members by the end of June. Hopefully, there would be a week or two in there between the submission of that material and the actual hearings to allow members to maybe review that material before you actually begin your hearings.

The Chair: I am just wondering whether members want to respond to that. If not, hearing no opposition, we can go ahead on that basis and then we can meet again a little later on and firm things up. I think on that basis, clerk, we should plan on maybe doing some advertising, and that advertising would have to come back to this committee for approval and the researcher could then start putting some of that information together. So we could plan on that. If changes need to be made, we can make those later on and we would have hearings in the summer. Those hearings might be only in Toronto. There may not be enough people out there to go to Thunder Bay, Windsor, Wawa or wherever, Quebec, Ottawa. You might want to do some other things.

Mr Breaugh: Ottawa?

The Chair: Ottawa.

Interjection: Only one member wants to go.

The Chair: Only one member wants to go. He wants some more permanent residence there, I see.

If there is no further discussion, we will go on that basis. Thank you all for coming out this morning and for your very helpful suggestions.

I just want to say one other thing. We asked for some books from the ministry yesterday and those books, I presume, will be available tomorrow.

Interjection: We have four left in the office. We looked. The 1990 directories will be available in the first part of February.

The Chair: That will be helpful. If you can bring those, bring two or three tomorrow, send them over, I know there are one or two members who asked for them. I think the others will probably have enough other reading to do and that they will gladly wait until February. If we could have some in February, that would be helpful.

Mr Eichmanis, before you go, I am asked whether we want some information and research on jurisdictions outside of Canada too.

Mr Eichmanis: I think probably there are a couple, certainly the Australian and American would be useful, at the federal level. I do not mean all the states in Australia, etc. This of

course means that the committee can pursue further investigations in other places.

The Chair: Jennifer, I think what you can do is look at the American and the Australian ones.

Ms Wilson: John, what about England?

Mr Eichmanis: They have nothing. They only have the privacy part of it; they do not have the access side.

Ms Wilson: They cover the private sector, though.

Mr Eichmanis: Oh, I am sorry. It does, yes. You could do that, yes.

The Chair: And you could work with Mr Eichmanis and other people to see if there is something, another jurisdiction or two, that would be helpful.

Ms Wilson: Okay.

The Chair: You can check back with the chair if you need some direction on that, okay? Thank you very much. This meeting is adjourned.

The committee adjourned at 1156.

CONTENTS

Wednesday 24 January 1990

Freedom of Information and Protection of Privacy Act, 1987.....	M-25
Office of the Information and Privacy Commissioner	M-25
Adjournment.....	M-40

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Chair: Epp, Herbert A. (Waterloo North L)

Vice-Chair: Ray, Michael C. (Windsor-Walkerville L)

Breaugh, Michael J. (Oshawa NDP)

Brown, Michael A. (Algoma-Manitoulin L)

Campbell, Sterling (Sudbury L)

Cureatz, Sam L. (Durham East PC)

Eakins, John F. (Victoria-Haliburton L)

Farnan, Michael (Cambridge NDP)

Johnson, Jack (Wellington PC)

Kerrio, Vincent G. (Niagara Falls L)

Sullivan, Barbara (Halton Centre L)

Substitutions:

Cooke, David R. (Kitchener L) for Mr Eakins

LeBourdais, Linda (Etobicoke West L) for Mr Kerrio

Polsinelli, Claudio (Yorkview L) for Mr Campbell

Clerk: Deller, Deborah

Staff:

Wilson, Jennifer, Research Officer, Legislative Research Service

Witnesses:

From the Office of the Information and Privacy Commissioner:

Linden, Sidney B., Commissioner

Eichmanis, John, Senior Policy Adviser





SAISON
X620
-120

Government
Publications

No. M-3 1990

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on the Legislative Assembly
Committee Advertising

Second Session, 34th Parliament
Thursday 25 January 1990



Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

REVISED NOTICE TO SUBSCRIBERS

Beginning with the resumption of the Legislative Assembly on 19 March, not the opening of the Third Session later in the year, the page size of Hansard will be increased to $8\frac{1}{2} \times 11$ inches from the present $6\frac{1}{2} \times 9\frac{1}{2}$.

Production of bound volumes of Hansard has been discontinued. Subscribers to the current session who wish to have a set bound at their own expense but who are missing some sittings may obtain complete sets or duplicate issues from the address shown at the bottom of the page.

However, beginning 19 March, complete sets will no longer be available. Subscribers who plan to have sets bound are advised to retain their individual copies.

The list of errata, usually included with the bound volumes, this year will be included with the index. This is the last time that such a list will be provided.

Because all committee sittings now are being formally printed, separate subscriptions are required for sittings of the House and sittings of the committees. Separate indexes also will be published for the House and the committees. Effective the end of 1989, they will be on a calendar-year basis, not sessional as at present. Page and sitting numbers now run from the beginning of the year rather than the beginning of the session as before.

Subscription information may be obtained from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Thursday 25 January 1990

The committee met at 1017 in committee room
2.

The Chair: I will call this meeting to order. We have two items on the agenda today.

One deals with advertising, and I am going to ask Mr Yeager to go through his report in a minute because I am sure that members going through that report may have missed some matters that Mr Yeager feels it is important we are mindful of.

The other is that we have a report from Mr Dietsch that we should deal with, but Mr Dietsch cannot be with us today. Since he is very keen about the food matter, I am not very anxious to discuss this matter if he cannot be with us. With your approval, I think what we should do is just defer this matter until we come back in March and April and then put this as one of the first items on the agenda when we get back.

Mr J. M. Johnson: Excellent.

The Chair: If there is no disagreement with that, that is what we will do and we will just deal with the advertising matter this morning.

I think all of you know Mr Yeager. He is in library research. He has been on this committee for a while, for about a year or so, and has done some projects for us in the past.

Mr D. R. Cooke: I am not normally a member of this committee, but I am just looking at Mr Dietsch's memo to us. I note that he has been here on 20 September, and he says, "Unfortunately, I must begin by stating I am sorely disappointed on the rather slow progress of my suggestions which have been made to the committee on 3 August 1988." Is Mr Dietsch happy to put this off again until April?

The Chair: I have not spoken to him about it. He has a representative here, he has his assistant here, but I do not think she is in a position to discuss the report and answer questions on it.

Mr J. M. Johnson: There is not anything urgent about the report. The food is going to go on. It may not be quite the way that Mr Dietsch would like it, but it is still going to be served. We will try to buy some Niagara wine.

Mr D. R. Cooke: I just thought maybe the committee should be aware of that, that he is a little concerned about our tardiness. It is his fault,

I presume—it is not our fault—that he is not here today.

Mr Breaugh: If there is anything worse than tardiness, it is probably absence.

The Chair: I am just citing other examples. I think Mr Breaugh put it very well. This has been on the agenda some time, and unfortunately Mr Dietsch cannot be with us, but other precedents are that we usually do not like to discuss matters concerning a report from a member or somebody else if he is not here to defend that report. I think it is important that he be here, that we not draw the wrong conclusions on a report when he is not here to correct it. Otherwise we have to go right back at it again and redo it.

Mr D. R. Cooke: I thought it was important that we note he made that comment.

The Chair: By the way, I want to thank the assistant for being here this morning and apologize to Mr Dietsch. We are sorry that Mr Dietsch could not make it this morning.

Ms Martin: If I may speak, I know that Mr Dietsch wanted to be here this morning, but he is on committee business in Sault Ste Marie.

COMMITTEE ADVERTISING

The Chair: Mr Yeager, do you want to take us through the report on advertising, which we have discussed from time to time. I think this is an important report.

Mr Yeager: I would be happy to. As you can see from the table of contents, the report goes through advertising practices of committees in several other jurisdictions in Canada, then goes through several agencies of the Ontario government, particularly of the Legislature here in Ontario, then gets into the existing committee advertising practices that have been experienced in the past and some of the problems with them and ends with a few conclusions based on the previous material.

Looking at the other jurisdictions, which are discussed at the bottom of page 1 following a brief introductory section, we have had a chance to talk with committee clerks in the House of Commons in Ottawa and, as well, several provinces and territories that have substantial minorities speaking either English or French, as these would be the ones that have more in

common with our situation than the other provinces. As well, we have talked with the clerk of committees for the Northwest Territories where in addition to French, which has just recently become an official language, they have two Inuit languages and several Dene languages to deal with in their committees.

The following sections basically go through the findings for each of those jurisdictions. Some of this material has been presented earlier, by Smirle Forsyth when he was the clerk of this committee, and may be familiar to you but I will just go through it to refresh everyone's memory.

In the House of Commons there is no formal written policy with respect to committee advertising, nor are there budgetary guidelines. Each committee decides on advertising on a case-by-case basis. In previous years, the committees routinely advertised in all major dailies across the country in English, and in French in areas with a significant French-speaking population. Some French ads were placed in weeklies if there were no dailies in the area.

This approach was costing the committees up to \$65,000 per advertising day, and for that reason this type of national advertising only happens a few times a year now at the House of Commons. The cost is the primary consideration that caused this reduction. Now the committees use Canada News-Wire to distribute press releases in both languages, and this is subscribed to by most newspapers across Canada. Some committees still use direct mailings, depending on how clearly defined their constituency is. In essence, most newspaper advertising has become a thing of the past with the House of Commons.

Manitoba is interesting in that it does not advertise at all in newspapers except for notices which are posted in the Legislative Building, so that groups appearing before committees usually find out about committee hearings through the process of word of mouth or by the press picking up press releases. Occasionally they have a special task force which will hold hearings across the province. Most of the committee hearings in Manitoba occur right in the capital. When there are travelling hearings, they are advertised in daily, weekly, ethnic and rural newspapers and so on and on radio. But there are no set budgetary guidelines, because it is rare for them to go through this process.

New Brunswick may be the closest to the Ontario situation. Although they do not have a formal written policy, the committees try to advertise all public hearings throughout the province and in New Brunswick ads are placed in

most daily English papers and in the one French daily. Where necessary, ads will also be placed in French weekly papers. Advertising costs come out of the committee budget, and each committee decides how much advertising is needed on a case-by-case basis. Occasionally committees will use direct mailings, particularly if hearings will be held outside Fredericton. One difference: committees often advertise twice, once for written submissions and later for witnesses to appear before the committee. That is probably the closest to the Ontario example of any of the jurisdictions that we talked to.

In Quebec committee advertising policy is set out in a Parliamentary Committee Hearings document. I have appended it, but it says very little. Basically, committees must advertise public hearings in the Gazette at least 30 days before they begin, and ads are placed in the major dailies across the province, including the Montreal Gazette in English. When I say "Gazette" first, that is the parliamentary Gazette. Advertising costs come out of a general secretariat budget, not the individual committee budgets, and the committees there also use direct mailings for special hearings which are by invitation only.

Northwest Territories has quite an exciting situation for committees. They have a very high sensitivity to minority languages since the territories has two official languages, English and French, very recently added, along with two Inuit and numerous Dene languages. Their sensitivity to languages extends to committee advertising since the population is spread out so widely and the committees are often travelling a great distance, so they want to get to people in the communities that they visit. All standing and special committees advertise in all the local papers, of which most are weekly. As well, they always advertise on the CBC radio services and any local radio stations.

The only broad circulation papers in the Northwest Territories are News/North out of Yellowknife, which is a weekly, and an eastern Arctic paper produced in Iqaluit, which used to be Frobisher Bay. So for broad territorial issues those two are the prime source of information dissemination.

One reason, though, that the committee advertising can be quite thorough is that committee budgets tend not to be closely regulated or scrutinized, so the committees do not feel limited at all in terms of what they spend.

In radio advertising, CBC radio routinely will translate any copy given to it into the local languages which are appropriate for that area, so

there is no special budget needed for that. As well, the eastern Arctic newspaper runs articles and ads in the Inuit languages and in English. There are no Dene-language newspapers and most of the Dene speak English very fluently, almost as a first language, so that the committees tend not to advertise in the half-dozen Dene languages around in print media, but the local radio stations all broadcast in the local Dene languages.

They are just getting into the fact of French-language advertising. About three per cent of the Northwest Territories population speak French, and Yellowknife and Iqaluit, the two government centres, are the source of most of these individuals. The reason that they now have French as an official language is that federal funding for aboriginal-language services was linked to improving French-language services and providing services in a second official territorial language. They had a recent special committee on the northern economy, which was a very major committee undertaking, and they did an information bulletin in French.

Basically the attitude there is they will do whatever they have to do to ensure that they get input from people speaking all the languages in the territories. It is not considered a burden so much as just part of daily life. So it is a relatively low-key, nonconfrontational issue in the territories, because they are used to dealing with languages on a day-to-day basis.

I might add, just in passing, that I spent February of last year in the territories working for their standing committee on agencies, boards and commissions. They recently elected a blind member, so within weeks they had the capability to produce all their reports in braille using computer technology. They are very used to acting very quickly on that type of language issue. It is just considered like a snowfall to them, it is not a big deal.

1030

Mr D. R. Cooke: Did you meet anybody there who spoke French?

Mr Yeager: Yes. In fact, I travelled up with several people who spoke French.

Mr Cureatz: Are we allowed to ask questions as we are going along, or what are we going to do?

The Chair: I am not sure whether—

Mr Breaugh: I thought we just did.

The Chair: I know, but what I really would like to do is go through the report and then ask

questions afterwards. Otherwise we are going to be jumping all over. So if you bear with me—

Mr Yeager: In the next section, beginning on page 4, I looked at some of the advertising practices of some of the other agencies of the Legislature and general government offices in Ontario.

The Management Board of Cabinet has an Advertising Review Board, but the board does not really address advertising policies a great deal; it is basically about the conduct of hiring agencies and things among the ministries. Advertising policies are all developed within individual ministries and with their creative agencies, the media plans and that sort of thing, but the Management Board does have guidelines for French advertising. It designated major markets, identified in the French Language Services Act. I believe you are familiar with those, but they are all in, I believe, appendix C if you are not.

The guidelines on advertising in French are as follows: Public service advertisements and other paid advertising, such as tenders, program ads and campaigns aimed at designated areas, should appear simultaneously in English in the English-language media and in French in the French-language media. If there are no French-language media available in the designated area, announcements must be made in English with a sentence in French indicating where the reader may obtain information in French on the subject of the ad. This is now the policy government-wide.

Within the Legislative Assembly I have talked with the supply and services office, but with regard to its purchasing and tender calls, these tend not to be advertised. They now have a supplier database with all the firms that wish to do business with the Legislative Assembly, and depending on the type and scale of a requirement, the notice is either sent to all suppliers of a category or they rotate to short lists of qualified firms to see that everyone gets a turn. The issue of French-language advertising in the press never seems to come up, so they basically have no policy associated with that.

With the human resources group at the Legislative Assembly, its general policy for filling assembly positions is to advertise in Job Mart and Topical. If the position appears difficult to fill or has specialized requirements, then one external Toronto daily paper is normally used. If the position is designated as bilingual, the advertising is directed towards L'Express de Toronto, le Droit and le Devoir. In general,

though, the costs limit the area of a search and the advertising to be used in a particular case is left up to the professional judgement of the recruitment officer, the professional judgement being the size of the recruitment population that is out there to draw upon. They want to make sure they get a suitable number of ads. So, again, it does not come up very often, but for a French-language position they advertise in French.

I tried the Environmental Assessment Board, because it does a lot of hearings in many parts of Ontario, but its situation does not really parallel ours very well. A proponent of an undertaking is responsible for choosing the advertising and paying for the advertising along with the rest of the hearings, but most of the environmental legislation has very specific requirements for the area to be targeted for the advertising. So it does not relate very well to what we are doing.

On page 6, I have pulled together pretty well the history of the discussions of committee advertising that have taken place in the past with this committee. In appendix B there is an extract from Hansard of a fairly substantial discussion that took place, I would guess, about two years ago, from the people on the committee. I did not have the date from Smirle, but most of these issues came up during that discussion. I have just highlighted some of the major points that were brought up by members at that time.

One of the first ones—I think the one that stimulated the discussion—was the high cost of advertising, in both English and French in all Ontario dailies, for the hearings on Bill 1, the Members' Conflict of Interest Act. This ran up to about \$30,000 per insertion.

Another point that was made was the often short lead time that was available, which makes it difficult to advertise in weeklies. By the time we know there is going to be a hearing, it is almost upon us and we cannot meet the deadlines of the weekly papers.

The possibility was brought up of advertising in French-language weeklies, since there is only one daily, when all English-language dailies are used. That was a proposal at that time. The expected potential criticism from English-language weeklies is they do not get committee advertising while their French-language equivalents do. That is going to be a risk that members will have to put up with, if they go that route perhaps.

The general high cost of advertising on a broad basis became part of a discussion, \$20,000 to \$25,000 for a broad advertising campaign. This is apparently quite typical. But with that there is the need to assure realistic access to the

information by the French-speaking electorate in terms of basic fairness.

Another point that was brought up, and I think I have repeated it many times, is the often poor response rate to expensive advertising campaigns. Particularly if it is not a contentious or popular issue, there might be one or two responses based on province-wide advertising. This works out to a very poor ratio for the number of witnesses or responses obtained for the amount of money spent. I think members indicated the need for a flexible advertising policy which takes into account potential public interest in the issues at hand.

One thing that was brought up was members felt there was a need for easily available estimates of the cost implications of advertising alternatives during the committee deliberations on this matter. The clerk can always provide such estimates, but there was a suggestion that a written, updated handout with examples might be helpful to the members while they are thinking over possibilities in their minds. They might see the general cost implications of, for example, doing just one area or doing the whole province, going to weeklies, going to just French-speaking weeklies, just orders of magnitude, costs for these types of alternatives right in front of them.

It is clear, though, that bilingual advertising at least doubles the costs when you advertise with both English ads and French ads in all the newspapers as was done with Bill 1. It is more than double the cost, because the French ads generally take up more copy than the equivalent English ones do. It is a very expensive process to go the full double-advertising route.

Some members were talking about its being desirable to develop a mechanism to approve and implement the advertising in advance so that it is already in place when the committee is sitting, so there is more lead time there.

There was quite a discussion of the possibility of expanding the use of other media—cable TV, radio. Notices are presently on the ONT.PARL system across the province, but there was, I think, quite a bit of interest in exploring other alternatives that might be more modern and more targeted towards the people the committee is interested in hearing from.

Finally, the advertising for a committee's hearings has to depend, to some extent, on the political sensitivity of the issue. A very high-profile issue may require more advertising than one that is of less broad interest, or if there greater political implications it may require a more thorough advertising campaign.

Following that discussion, the office of the Clerk and the Day Advertising Group, which is its agency of record, compiled lists of English- and French-language newspapers in the designated bilingual areas—that is, both languages in those areas—and have considered some options for committee advertising policies. Appendix C contains all the relevant documentation for that and the main points that were developed in the Clerk's office were the following.

1040

There is only one French-language daily in the province that we can use, and that is *le Droit* in Ottawa. There are also 10 French-language weeklies in the province. So if we go to weekly advertising in the French weeklies, that is 10 additional newspapers, 10 insertions.

It is currently Ontario government policy—to some extent, this is a repeat—to place job ads and other forms of advertising in English in English papers and in French in French papers. This allows for savings and speaks the language of the target audience. Efforts should be made, however, to make use of French-language weeklies since French-speaking citizens have access to only one French daily, in the Ottawa region. Designated areas should serve as a general guide. This is the government policy, and it has gone to the weekly French-language papers now more and more.

Finally, a statement should be included in committee advertisements which will identify that the information is available in both languages. We had a couple of wordings that went through the works, but the recommended final version for French-language ads is, "This information is available in English upon request," and for English-language ads the equivalent in French.

The clerk presented in an exhibit earlier—it is almost two years ago now—some recommendations based on the work that had been done to date. These probably are worth considering again today, the first being that unless a committee specifically directs otherwise, advertisements should be in English in English-language newspapers and in French in French-language newspapers. This is the equivalent to the basic government procedures now.

He recommended that when conducting a province-wide advertising campaign advertisements should be placed in all of the French-language weekly newspapers in the province. This is for a province-wide campaign.

The next one gets a little wordy, so I am going to skip the middle clause which is just a legal definition, but when advertising only in specific

areas advertisements should be in English and French in those areas designated under the act. For example, where there is a French-language newspaper in a designated area an advertisement would be placed in French in that newspaper and an advertisement would be placed in English in the principal English-language newspaper in that area. If there was no French-language newspaper in the designated area, an advertisement would be placed in English and French in the principal English-language newspaper in the designated area; that is, placing basically a dual ad only in the principal English newspaper in the designated area. As you can see from one of the documents in the appendix, there are a number of the French-designated areas under the act that do not have a French weekly newspaper, and that is the reason for that provision.

Issues of widespread interest and significant public import will continue to require the province-wide coverage that only print media campaigns can provide. However, the committee may also wish to recommend that in matters of limited public interest or affecting specific interest groups, committees may give sufficient notice through a direct-mail campaign aimed at specific groups or individuals, by placing advertisements in trade journals and publications or by issuing press releases which would be particularly effective and useful when directed at publicizing committee travel to and hearings in specific communities.

Now, from all of the proceeding history and recommendations, I have drawn together some, what I have called, conclusions—they may be less than that in some cases, observations if you will—that seemed to come out of all this.

1. Compared with other Canadian jurisdictions, Ontario's legislative committees appear to advertise quite thoroughly and extensively, probably more than anybody other than the Northwest Territories.

2. There is a considerable degree of professional judgement delegated to officials in supply and services and human resources in the assembly, the point of this being that, although the directors have and retain the right to review all their judgements, basically these are designated to the professional staff. They know the guidelines and the practice. Basically they just do it without a lot of fanfare. That leads perhaps to 3.

3. It may be reasonable to ask the committee clerk, based on his or her knowledge of the issue at hand and guidelines discussed by members, to routinely present a proposed advertising strategy for the upcoming hearings at the beginning of

committee activity. The committee of course would retain the right to revise the strategy, but if the clerk were to present one based on existing guidelines there might be less temptation to feel the need to get involved, unless there was something substantial that the committee was concerned about. It is more just a housekeeping routine.

4. The possible recommendations presented by the committee clerk in March—those are the ones on pages 7 and 8—appear to be a realistic set of guidelines for most circumstances which might arise.

5. Using French-language weeklies will be difficult unless sufficient time is available prior to hearings to meet their copy deadlines. This is true for any weekly newspaper. The committee may wish to investigate with the House leaders procedures by which committees will be assured sufficient notice of hearings to effectively utilize weekly newspapers. This is a procedural thing, and I am not able to assess how realistic it is to do that, but other jurisdictions do not seem to have the problems that we do in terms of having enough notice to use weekly newspapers. That is something that you may be able to work on.

6. To limit demands from other weeklies that their advertising services also be used, that meaning other English-language weeklies or ethnic weeklies of any sort, the committee may wish to make a statement of policy that indicates the sole purpose of advertising in French-language weeklies is to address the issue of fair access to committee hearings by French-speaking constituents. The existence of such a policy statement may reduce the perceived pressure on committees and their members to routinely broaden the advertising to include the English-language weeklies as well. There is a temptation just to give in, and of course it is expensive.

7. An updated listing of examples of the cost of typical combinations of advertising methods might be useful if circulated to members by the clerk prior to the committee's consideration of advertising matters. This would make the financial implications more apparent to the members. You would have in front of you some examples.

8. The House of Commons now uses newspaper advertising only rarely and relies on press releases and targeted mailings of notices. While there is currently little attention given to committee press releases by newspapers when the alternative is a paid advertisement, it is entirely possible that if newspaper advertising were to be abandoned for a year or two, the press releases might become more newsworthy. I think Ottawa

suggested that may be starting to happen now with its press releases.

9. Finally, it might be worth instructing the creative agency to implement a study of the effectiveness of the print advertising that we do now as opposed to other information dissemination strategies. In essence, can we do an objective evaluation of how effective the present advertising is? Marketing research like that must be very carefully designed and undertaken. It costs money, it is not cheap, but it may represent money well spent considering the present level of committee spending on advertising and the frequently disappointing number of responses generated.

Sometimes a small number is not unexpected, because based on previous experience we have come to recognize that certain types of issues do not generate the response. There probably is an objective way to rate the effectiveness of the present advertising in terms of the number of responses drawn, and perhaps such a study, if it were undertaken, would give a little more strength to any further guidelines you might wish to move to which reduce the amount of print advertising.

That essentially summarizes the work done to date, I think.

1050

Mr Cureatz: I guess in some aspects this is a rather mundane topic, advertising, but the number of years I have sat on the various committees it always seemed to be such a mystery. Someone says, "Oh, the standard advertising," and the clerk of the committee nods and it all seems to happen. I think it is worth while, or maybe I am incorrect, that a particular approach is always taken. I gather from this report a particular approach is not always taken. At least, it seems to be by rule of thumb of what the clerks do. Deborah, is that what happens?

The Chair: Maybe the clerk could speak to that? What has been the "typical approach"?

Clerk of the Committee: The typical approach is when a committee asks for the traditional advertising is for the advertisement to appear for one day in all of the dailies across the province. That is currently in the English-language papers and in the French language in the only French daily in the province, which is le Droit. In designated areas we will also insert a line in French at the bottom of the English ad explaining where French-speaking people may obtain information.

Mr Cureatz: I guess it is met with satisfaction, although I guess this is what the report is

trying to bring out, that maybe there are some areas that could be further investigated. I find it interesting that Ottawa considers a typical press release as opposed to advertising.

Mr Yeager: That is right.

Mr Cureatz: That seems to me a rather different approach. I would still be more comfortable with advertising, so that no matter what—

The Chair: I think I might respond to you on that. I think the reason is that they felt that their advertisement costs were extremely high. Second, they found, as we have found in our discussions, that you really do not get many people, if any, through advertising. I know we have done advertising from time to time in this committee and we have had no input by anyone who was not contacted, who had a specific interest, a vested interest, in something and was contacted by letter. So they found that they often write letters, maybe 1,000 or 2,000 letters, to people who have a vested interest in that topic, and then they put out a press release which saves them thousands of dollars.

Clerk of the Committee: If I could just add to that, very often, even when a committee does decide to advertise, we run a press release. It is not very often picked up. It could be because of space in the paper. It could also be because we are paying for advertising so there is not really a need to pick up the press release.

Mr Cureatz: I guess that goes to item 9, about doing some investigations to see whether the way it has been done all the time is in fact having its most effective approach, and alternatives should be looked at. Is that the drill, is that what is proposed, is that what is up for discussion?

The Chair: There is no specific proposal, Mr Cureatz. What I would like to do is get as much discussion as possible on this. It may be some kind of consensus will develop on it. So maybe—

Mr Cureatz: Certainly with my experience for the last almost 13 humble years now, it always seemed to be the same way. Of course, it does not mean it is wrong, but on the other hand I have never felt comfortable that it has been right either. It just seems it is the way it has always been done. It might be worth while—has there ever been a kind of investigative approach to the advertising process for committees, I mean, outside of this committee?

The Chair: No, not that I am aware of. The government may have done something. As you know, it has its own policy on it. But the committees have not done it, not that I am aware

of. Clerk, are you aware that anyone has ever done any investigative reports on it?

Clerk of the Committee: I think the Clerk's office has done some, had minor discussions and made some phone calls and that kind of thing. The other thing we did about a year and a half ago was change the format of the ad so that it is smaller and bolder and cheaper. But other than that, there really have not been any formal—

Mr Cureatz: Right, and that is more the physical layout. But nothing has been done in terms of some kind of consultant review as to whether we are getting the best possible input. Maybe instead of the print we should be doing radio or television or just the news releases, now that more light has been shed on this it. I will tell you, I certainly would be supportive if someone does something in terms of—what, since 1867 it has been done this way? It has sort of just bounced along and something has been added and something has been taken off. I think, in recognition of the new rules of the assembly, that this is another area that could be under the revitalization of various functions of the assembly. It would not hurt to take a look at it.

The Chair: My main concern in the past has been the fact that we have advertised in French in English papers. If I look in my own area, I just think it was a total waste of money when you consider the money we spend on advertising. When social services wants an extra \$30,000 or \$40,000 for several cases and they do not have it or health wants money and cannot get it, and yet there is what appears to be a total waste of money in advertising where it does not attract anybody except it helps to make the newspaper more viable. Well, I do not think it is our job to make sure that people have a viable newspaper. If it does not attract any attention, if people do not rush in and appear before our committee if we advertise, then there is no value in it. Anyway, when we advertise in French in an English newspaper, I find that a total waste of money. And we have done it in this committee.

Mr Cureatz: In conclusion, in terms of that topic, I would be very supportive. I am sure my colleague would be. It is very practical and straightforward. I think there should be some kind of examination and setting up of a regular procedure for committees. Of course, I am thinking of the select committee on energy. Sometimes we have something a little different, with some flexibility, but jeepers, I cannot see anything wrong with taking a look at the process in terms of whether there should be some other

areas that could be expanded on. My colleague has a supplementary, but I am not finished yet.

The Chair: Oh. Do you want to go ahead with your supplementary, Mr Johnson?

Mr J. M. Johnson: I wanted to discuss item 9 as well. If this is an appropriate time, we might as well.

The Chair: I think we are going to go the range. So if you want to just save your question, Mr Johnson, then we will have all the questions together.

Mr J. M. Johnson: It is supplementary to—quite simply, I support the recommendation made by Mr Cureatz. It seems to me that if we are going to make recommendations to other committees, we should have all the facts. Maybe the less expensive proposition would be to have one study conducted to determine if we are advertising in the most effective way possible, and if there are some changes, it could be recommended to make the results more positive and at less cost. The initial expense for the survey may cut down on the advertising over a period of years in substantial figures, but we cannot very well make a worthwhile recommendation to the other committees if we have not delved into all the problems.

The Chair: I am not opposed to a study, but the only other thing you should keep in mind is that the clerks might be able to tell you exactly what you need to know. In other words, if you asked each clerk where he has advertised and how many people came in as a result of advertising as opposed to the number of people who responded to letters and so forth, you might be able to get that same kind of information from the clerks.

Mr Cureatz: No, but sometimes it helps when you have an independent person who comes in and asks all kinds of questions and puts a little package together.

The Chair: Yes.

Mr J. M. Johnson: Just on that point, item 6, "To limit demands from other weeklies that their advertising services also be used," I would strongly suggest that before we make any such recommendation we should consult with Ontario's weekly newspapers association. There is no use hitting them over the head before we have talked to them. We are advertising to get input from the public. Certainly they have a right to defend their position and give the reason why their papers should be used. I know the Elmira Independent would be most interested in knowing why it would be excluded and yet the

Kitchener-Waterloo Record would not. I feel that this is the type of thing that an independent survey could say, that you would get more results by advertising in weeklies and forget about the dailies. That might make sense since I have nine weeklies and no dailies.

The Chair: Mr Cureatz, do you want to finish up?

Mr Cureatz: Well, now that Mr Johnson has allowed me to have the floor again—oh yes, right, braille. This is interesting. I was interested in Lewis's comments about the Northwest Territories. I have written to the Speaker. Upon another sojourn to Washington on a very important investigative committee, it was brought to my attention as I tagged along with one of the elected representatives from Minnesota that in his office was a brailled plastic diagram—which I have unfortunately misplaced, but I have asked to get another one from his office—of what I guess they call the Mall in Washington, showing the Washington Monument, the Lincoln Memorial and Congress and the various sites around Congress. I thought it was very innovative. It served two purposes: it was not only in terms of a descriptive diagram for those of us who can see, a layout when visiting their Congress, but also in braille so that blind people could sort out what is where.

1100

I wrote to the Speaker asking him for some consideration and he has written back and said he would do a follow-up. I have not heard anything from him yet. In terms of advertising, and I know it is a little off topic, I think it is something the committee should pursue. To me it is very functional, with the number of visitors we have at Queen's Park. A kind of overview could be done of the Queen's Park, University Avenue, the Royal Ontario Museum and the University of Toronto areas. I think it would be very helpful and very supportive for the assembly and the province. That is the aspect of braille, just extending it a bit further.

Mrs Sullivan: Communications work is what I do in real life when I am not doing the work I am doing now. I have always found committee—

Mr Cureatz: Communications work? That is obvious.

Mrs Sullivan: I have always found these committee discussions relating to advertising very interesting. I think that underlying our discussions is the feeling that we have an obligation to inform the public relating to our work and to the public hearings aspect, but one of

the things we tend to do is to assume that advertising forms a communications strategy. No professional in the communications industry will agree with that point of view, which tends to be the committee point of view.

One of the things as well that we do not do, it seems to me, is to target those areas which ought to reach us. I am looking, for example, at the clerk's recommendations relating to the francophone weekly newspapers. If you look at the content of the weekly newspapers, what you will see is that a large portion of the francophone weekly newspapers, as are the anglophone weekly newspapers, are style-of-life or information-about-local-activity publications that have no bearing on public issues.

One of the things we will also see as evident is that nine times out of 10 most people who appear before our committees have not followed up from the newspaper advertisements that are placed but rather through the lobby groups which have specific interests. Many of the committees rely on the lobbying groups, through direct mail, for the kinds of information that are formed. The select committee on energy has a very specific mandate, a directed mandate. We on that committee know that there will be certain groups: industry, the transportation sectors, the fossil-fuelled combusters, if you like, and the environmental groups that are involved in public discussion relating to emission controls. Those people will not be reached through a one-day placement of an advertisement in a daily. They will have to be reached through other specific communications methods and through the organizations that are involved in discussions in those fields already. For that committee, the proposals that are placed here by the clerk, which, once again, generally relate to advertising only, will not work.

I can recall last year, when this committee was looking at election financing legislation, that placing advertisements in a daily newspaper was absolutely meaningless in terms of attracting the people we wanted to comment on the issues before the committee. It seems to me that a general approach to committee advertising is not what in fact we are looking at. What we need to do is, on a committee-by-committee basis, look at a communications strategy for the work of that committee.

I like the approach that is taken in Quebec where they use basic advertising in the Gazette that outlines the brief. I think there is a paper in this package that gives the standard format of their advertising that is placed in the Gazette. It

talks about the nature of the briefs that will be accepted, the numbers of copies that are required and so on, the basic information that saves the clerk a little time, and also makes it clear that everyone who submits a brief is not necessarily going to be called to appear before the committee, which is something that we do not frequently get across in our advertising. I think many people, when they do see an ad, assume that they are going to be invited to appear.

If I can once again talk about the targeting of sectors in the communications program, our hearings last year on Bill 162, the Workers' Compensation Amendment Act, by example, would have been a failure had it not been for the involvement of the union movement in bringing forward people who would appear before that committee. Our advertising program had nothing to do with that, but what would have been useful in the advertising program, I think, in terms of those hearings would have been to designate the kinds of briefs that ought to come in and the fact that people would be heard.

It seems to me that if we are going to be looking further at this area, we should be talking (a) about a communications strategy generally and (b) about the content of our advertising program, which in my view is only one sector.

I am being told to shut up by the member from Yorkview (Mr Polsinelli).

Mr D. R. Cooke: I think Mrs Sullivan said some things that I was thinking very succinctly. This is a good report, but one of the things that I find a little confusing, not knowing very much about advertising, is, why do we retain an advertising agency to do the work when we do not seem to seek any assistance from it as to how to communicate with client groups? We seem to be making all of the decisions, as politicians, on very cumbersome political reasons, as valid as they may be. We should be making the final decisions, I suppose. Mr Johnson says we should be checking with the weekly newspapers' association before we cut them out. But we do not seem to have any feeling or knowledge as to how we are to reach our specific client groups.

The example that the chair gives, of putting English in a French newspaper or French in an English newspaper, is surely the most flagrant effort. Why would anybody be reading a French newspaper looking for English who could not speak French, or vice-versa?

Another example, and I will give this to you in its entirety so that I am not inflaming the Progressive Conservative Party is that in April

1988 the Treasurer tabled, in his budgetary papers, a bill to raise the retail sales tax from seven per cent to eight per cent. There was a lot of anger in the community about that in April, May and June 1988, and I am sure the opposition parties were anxious to capitalize on that. The government, on the other hand, was anxious to allay the problem. And so the bill, since it was a retroactive bill taking effect on budget day, or a week or two thereafter, waited for second reading until Christmas 1988.

1110

By Christmas 1988 there was no concern whatsoever about an eight per cent retail sales tax. The third party was feeling that it had been, I suppose, done out of an issue. So when the bill came for second reading, it was referred to the standing committee on finance and economic affairs, of which I was chair, with instructions, apparently as a result of a House leaders' meeting, that there be full newspaper advertising. I think there were other things that were done too to try and raise some public profile for this legislation by the third party. All well and good, but there was a consensus, including members of the third party, on the finance committee that newspaper advertising would be absolutely useless if there was no interest in discussing a retail sales tax of eight per cent in December, January and February 1988-89.

The Conservative members of the finance committee were in fact somewhat apologetic that the instructions were as strong as they were, but the Conservative House leader insisted that arrangement continue. So the finance committee placed advertisements in all the daily newspapers in Ontario, in English and French, asking for presentations on whether or not the retail sales tax should be raised in April 1988 from seven per cent to eight per cent. Fortunately, the public was much more sensible than the politicians and we got zero response from 9.5 million people in Ontario. We had zero interest, we had no letters and we had nobody who wished to make a public presentation on that.

That speaks to the effectiveness of the advertising process, among other things. I think we have been missing the boat very strongly. I think we have been wasting an incredible amount of money. I think we could do with a little more direction from people who have some expertise in how you communicate with client groups.

I like the idea, for instance, of using our channel on the cable system when it is sitting blank for many hours with usually an announcement that the proceedings will resume at 10

o'clock on Tuesday morning. That often sits there for days on end. We could be using that to let the public know the progress of various bills that are proceeding through the House and those bills which are before committees and on which we are seeking public input.

I really think we should be looking a lot more at professional advice, such as the advice Mrs Sullivan gave with regard to community newspapers, before we go spending money on them. In my urban area, I offer to do a column for neighbourhood newspapers and they do not want it. They are not interested because they are not—

Mr J. M. Johnson: Why?

Mr D. R. Cooke: They are not interested in having any political input into the newspaper. It is not there for that reason. So an advertisement in that kind of publication is obviously going to be wasted.

The Chair: Thank you, Mr Cooke. Mr Johnson.

Mr D. R. Cooke: Oh.

The Chair: He had a supplementary before. If you are finished, then we can go on.

Mr J. M. Johnson: Just on the cost of advertising, on page 6, "the desirability of developing a mechanism to approve and implement advertising so it is already in place when the committee sits." Quite often a committee will be sitting and decides it wants to advertise. Then they say to the clerk, "You give us some cost estimates at the next meeting." So it is delayed usually a week.

If the clerks had that information ready at the time that you were going to consider the advertising, then we could simply say: "Here is schedule A, B, C, D, or whatever, it is all in place and you can see exactly what it's going to cost. So make your decision today." We would save a week and maybe help to solve the problem that Mr Yeager has pointed out.

Clerk of the Committee: Can I just respond to that? Usually for run-of-the-mill advertising we do have the cost at our fingertips at the time the committee makes that decision. When we run into problems where we have to check costs is if a committee decides to run an ad in ethnic newspapers or in some weeklies, maybe just the French or maybe the French and the English. When they change the usual procedure, then we have to check the costs because that is something that is not done on a day-to-day basis. It may be several months from the time one committee does it to the time that the next committee does it and the cost may have changed.

Mr J. M. Johnson: All I am suggesting is that this is all there now, the information is available. It costs the finance committee X number of dollars to advertise in all the weeklies, so that is schedule X. Then you have another one where you just advertise in the French-language daily, and that is schedule B. All you have to do is pull out of the computer the costs for A, B, C, D, E, whatever, and you have it ready when you know the committee is going to ask the question: "Here's the cost if you go this route, this route or this route." You can save a week, I would think. That is a suggestion.

Mr Farnan: In terms of item 9, farming out to a consultant this kind of process of our study examining the effectiveness of the print advertising as opposed to other forms, etc., I know that the average person in Cambridge has a repulsion towards consultant studies when there is a questionable need for them. There are obviously times when there is a need for an outside consultant, but when one looks at a situation like we have, all of the information that would be required to make informed judgements as to the level of advertising or the effectiveness of advertising are contained in the Clerk's department and is in the experience of all of the clerks available or working with the various committees of the House.

Before any consideration is given to looking at an outside consultant, I think there should be an effort, with the resources available to us at Queen's Park, to have an internal evaluation and an internal recommendation given much more serious consideration before we go outside. I think the average person, whether it is in Cambridge or anywhere else, is going to look very sceptically on the report of an outside consultant who simply comes back to our clerks and says, "Tell us what the situation is." I think our clerks can provide very informed advice and probably do the job for us without going outside.

Mr Callahan: I think any of us who have approved budgets as chairmen have always sort of looked at the cost of advertising and gone, "Wow." Particularly in some budgets, such as in the standing committee on regulations and private bills, when we did it our budget, other than that, was peanuts when you look at the amount that was being allocated to it. But I think we are between a rock and a hard place because we operate on the principle that we want to let the public be fully informed of hearings that are going to take place. I think if we examine that, we find that in the main, and this is not a statement about every committee, but certainly

many of them I have been on, and many you people have been on, the opposition does a pretty solid job of seeing that the people coming before the committee are going to be aware of the issue and are going to also make submissions as to the issue. Perhaps we in the government do not do that much of a job, I do not know, but it seems as though in the main the people coming before you are expressing a particular bent that usually is dissatisfied with whatever is before the committee.

I think the danger is, and I am sure we have all experienced this as well, when someone who comes forward as a presenter will accuse the committee of not having advertised in his local paper. This has happened several times when the present clerk and I were on various committees, where they actually tried to draw and quarter the clerk because she or he had not done it, and yet they had, as it turned out.

The Chair: Even if they had not, how did they know about it? You can hardly blame them for not knowing about it.

1120

Mr Callahan: That is right. I come to that next. I think that before we go to a consultant, this is something that is so important in terms of our desire and I think our responsibility to make certain that not only do we in fact get information to members of the public so they can appear at committees, but that we also be perceived as doing that. It is the old "justice be done as well as appear to be done." We should not jump into changing it dramatically, like tomorrow.

I think what we could do, and I simply throw it out as a suggestion, is for the next whatever period we fix a period of time that we ask or the chairman of each committee asks the particular deputant, "How did you find out about this committee?" I would like to take a tally as to whether they found out as a result of a newspaper ad, they found out as a result of their member of Parliament telling them or they found out as a result of God knows what. Maybe from that we can get some sort of testing as to how we can effectively do it, and then I think we can determine whether we want to expend these moneys.

I thought it was interesting in item 8 that—and it is probably a truism—advertising is money for the papers. Quite obviously, if we are going to continue to put those ads in the paper, they are not going to write anything about our committee in advance or anything of great significance. The House of Commons seems to think that if you hold off on this for a while and you go that route,

eventually they will write stories about it and people would become aware of it.

I think the idea of the cable television is excellent, because I think, unless you are a test pattern junkie, we really waste the communications on that channel by just having on it that the standing committee will continue tomorrow with Bill 2. Nobody knows what the hell Bill 2 is and nobody could care less. If we had someone come on, and it certainly could not be any of the elected members because we would then get into a contest of—maybe somebody might politicize it. But I think it could be done by somebody like one of the clerks or the Clerk of the House. They could explain what the bill is about. Because more often than not people who come before this committee, unless they are a lobby group or unless they have been primed, really have no idea, their written presentation does not even relate or is certainly off topic as to what we are doing. I think that is another failure of ours, to communicate a full message to the public.

I think it is incumbent upon us as MPPs too. I think if we leave it to the easy route of advertising and so on, and do not get out there and get it on our cable shows too—you know, what we are doing in this particular committee—we are in fact providing a disservice to our constituents. You can also put it in your—we each get three householders a year. I mean, why not put these things, if they are of importance to you and your constituents, in the householder, explained in some detail, with some sort of flagging to draw your attention to the issue?

In the main, I agree with most people that the cost is just outrageous and I think if we do not look at some alternative which preserves the integrity of making certain people are notified, then we are wasting an awful lot of money, so I would support it.

The Chair: The clerk has informed me that what they could do in the future is that when people call in after there has been some advertising or there has not been advertising, when people call in to be placed on the agenda for a committee hearing, the clerk could in fact ask those people how they found out, whether they found out through a specific mailing or whether they found out through an ad, or however they found out, through a pressure group or whatever it might be. It is something to keep in mind.

Mr Polsinelli: I think one of the most difficult things for politicians to do is to come to the recognition that they are not experts at everything and—

Mr Cureatz: No, no, no. It is to get re-elected.

Mr Polsinelli: Except perhaps in their own re-election, and statistics show that many of us are unsuccessful in that endeavour also.

One of the areas that I think everyone is an expert in, or at least thinks he is an expert in, is communications and advertising, because it is something we think we understand. You put an ad in the newspaper, you put an ad in the radio, you develop a television commercial and you are advertising, you are communicating.

The question, I guess, this committee is grappling with is the way that the committees of the Legislature are communicating, is that an effective way and is it reaching the target population that would be interested in the message? Or is it the shotgun approach that sort of splatters information all over the place and hopefully those who are interested in it would pick it up and would respond to it?

We as politicians definitely do not have the expertise to do that analysis. Maybe Barbara Sullivan does, but I know that I do not and I know a few of my other colleagues do not have that expertise. I think it is important that we do get a professional. If we have those services available on our staff, if there is someone in research who has that expertise, then that person in research should undertake that, and I take Mr Farnan's point. But if we do not have people available with that expertise, then we should get an outside professional to look at the very issue of, is our advertising policy cost-effective, is it reaching our target audience, is there perhaps a cheaper way of doing it, that we get the message across better?

We do not know. We do not have the answers to those questions. Mr Callahan's point about surveying the presenters who presently appear before the committees is an excellent suggestion, because that would give us an indication of our existing policies and which audiences—

Mr Callahan: Here comes the other shoe.

Mr Polsinelli: No, no—and how effective our existing advertising policy is and which group it is hitting. But once we have that information, assuming that we have available to us the expertise to prepare the questionnaire, who is going to interpret it? Are we going to have 10 different interpretations on the committee?

I think it is an excellent suggestion, but I think also that you have to have the qualified staff, and if we do not have the qualified staff, to obtain the qualified expertise outside of our staff to do that type of analysis and to make recommendations to

us. I would support any motion that is put forward to get a consultant, to at least search within our own staff to see whether or not anyone has the particular expertise, and in the event that they do not and we cannot find anyone, then to retain an outside consultant to do some type of a study like that, and I guess the terms of reference of the study could be outlined.

The other question that I have and am going to direct to Mr Yeager is, do you have statistics as to how much money the existing legislative committees are spending on an annual basis in terms of advertising? We know that it is a large amount, but do we know how much they spent in the last fiscal year and the year before that and what is projected for the next year?

Mr Yeager: I did not collect that type of information. I am sure the clerk has that available.

Mr Polsinelli: Because I think that is indispensable to the conversation, too. If we know we are spending \$500,000—it could easily get to \$500,000—all the committees of the Legislature, on advertising, that is a substantial amount of money. And if we had to spend \$20,000, \$30,000, \$40,000, \$50,000 on a consultant to save \$100,000 or \$200,000 a year, it is money well spent.

Mr Breaugh: I would like to push this in a slightly different direction. I do not think committees of this Legislature should be advertising. We are not selling a product. What we should be doing is giving reasonable notice to the public that something is before committee. So I would like to see us do two or three things.

The first is I would like to see us establish a little set of recommendations about the giving of notice as a normal course of events, and it seems to me that we should be using the parliamentary channel. There should be a segment prepared that provides a weekly listing of what is before the committees at Queen's Park, what are public hearings and what is going on this week. I would like Mr Somerville to do a little report on how we might do that.

The second thing is I believe that we will do what most of the provinces have done, and that is move to some form of gazetting or providing notice in that sense and doing a simple press release which makes available to the press and to the wire service the committee's agenda. It is already available, but perhaps not in a form that many of them would get. I think we would take a look at, for example, what the House of Commons has done and adopt that, so that in the normal course of a committee's proceedings

these would be the notices that would go out that this committee is sitting, hearing this bill, on and on.

The second phase of that is that I would like to see us clean up our act, so to speak, on how we go through with what most people call advertising. You do not need a consultant to tell you what the markets are for various media. That has already done in a book by BBM Bureau of Measurement; you can identify who listens to what radio station and when, what the target is, what the newspaper subscriptions are, who reads that newspaper, where they live. All of that is compiled. But I do not think it is our business to advertise in the normal sense of the word. I think we are more in the business of giving reasonable notice that an official function is going on.

1130

So the second phase, I think, that we want to look at is, do you want to identify a newspaper which has province-wide circulation and use that as being your notice? Then you would probably talk about it in two official languages, but it is going in one newspaper on one day. I am not sure that you can really do that. The closest thing would probably be the Globe and Mail, but I know that in many parts of Ontario people do not read the Globe and Mail and you cannot get it.

The third thing that I think you would want to look at is when committees travel for the purpose of public hearings. It seems relatively obvious to me that you want to do some kind of official notice in a local, probably daily, newspaper. But I know that on the occasions when we have tried in this committee to look at really broad publication, it is very difficult for the agenda of a committee of the Legislature to mesh with, for example, the publishing agenda of a local weekly newspaper. That is very hard to do. You have to kind of luck out, be in the right place at the right time. You want to place an ad when they are able to publish it, because they are not going to be able to deliver your message in time for next week's edition. I think you have to kind of set aside some of that.

I guess what I am asking for is to take the report that Lewis has done to the next step and simply say that as a matter of normal business in a committee this is the kind of notice that will go out. I think that the only thing that you are really looking for there is for Mr Somerville to provide a vehicle on the parliamentary channel whereby there will be a regular listing and just become the practice that committees would do press releases and put them on the wire service of what they are doing that week. I do not think that is a big deal.

I think the second phase, though, is to look at what you would do other than that, in the way of placing advertisements in a paper. My bias would be not to deal with it as advertising a product, but to deal with it as giving reasonable notice to the people of Ontario that there are public hearings under way. If we resolve that one, then I think there are a lot of things that we could do that are not going to be expensive, such as surveying how did people find out about committee hearings and preparation of some documents that would indicate to the public what do we mean by a public hearing and what do we do with written submissions and how do you prepare those and how do you get invited, because we use the words "public hearing" but there are a lot of things that go on around here that are not really public hearings. The public is not invited to present; certain individuals are.

As I think I heard Barbara say when I came in, there are a lot of occasions when a bill is very specific to part of the people, a specific community in Ontario, like the labour community. You would be interested in what some individual from a particular part of Ontario had to say about that bill, but the bill is geared to people in the trade union movement, people in the workplace. You will be far more effective at getting a good response if you use that as your information channel. There will be organized groups of people who have very specific opinions about parts of that bill, who will have to work with that legislation afterwards, so you could probably get a better response by making one phone call to the Ontario Federation of Labour than you could by spending \$200,000 in advertising.

I would just like to see us take this, the next logical step, which is to consider what do you do as a matter of course all the time and lay out one other option in terms of notice. I would like to see us kind of work our way through that and then make a set of recommendations that committees could set aside if they thought there was some extraordinary thing that had to be done, but we would stop having these silly arguments about "Let's advertise" and then the committee debates for two or three sessions "What do you mean by advertising?" and we wind up spending \$70,000 or \$80,000 to do something that is not very effective.

Mr J. M. Johnson: I think it is time that we did something, because we do a lot of talking and not much action. Many months ago we talked about using the interparliamentary system to do the very thing that we are talking about today, to advertise or promote or whatever, make people

aware that certain committees are having hearings and what they are about, and there is no reason that we should not be doing that today.

Every committee that is sitting could have a little screen display of what it is sitting on, auto insurance or Bill 208, the labour bill, and times of the hearings and that. You might as well see that when you put the TV channel on than see the blurb that they have that the committee will sit next day. It might as well be appearing on a rotating basis, the three, four or five committees that are sitting, especially the ones that are travelling. That would be one thing that we could do and we could do that without any reason. We could do it now without any delay.

The Chair: Yes. I think the only one that is on the channel now is the committee that is actually going to meet in the Amethyst Room, is it not? None of the other committees is advertised on ONT.PARL.

Clerk of the Committee: No, ONT.PARL actually does display a copy of the advertisement for all committees that are holding public hearings.

The Chair: It does? When?

Mr Callahan: It rolls over.

Clerk of the Committee: Yes.

The Chair: Does It? Oh, maybe I have only seen the one, because I am not a—

Mrs Sullivan: It does not say what they are talking about.

Mr Callahan: It does not tell you anything, it just tells you what is on, which makes no sense. Would you tune in a program that is about skiing if you had no idea—if you were a ski buff I guess you would, but if you had no idea what they were going to do about skiing? They might be talking about fractures you get from skiing. It just is not clear enough.

Mr Cureatz: As a supplementary question, it sounds bizarre, but before my new, elevated position, when I would ramble on in the House I would often interject as to what the hell we were talking about. Someone at home is listening and I think that is another consideration that should be made. I mean, sure it says Bill something and that is it, boom. It should be saying something else, what the debate is about, so people have a better understanding of what is happening with it, or even an overcommentator in between speakers who could quickly say, "Now we are discussing"—

Mr Callahan: Whisper into the microphone.

Mr Cureatz: Oh sure, that is right. Anyway, it is a thought.

Mr J. M. Johnson: It is seldom mentioned that quite often people would ask what he was talking about.

Mr Callahan: Good show, Jack.

Mr J. M. Johnson: Anyway, I do submit the proposal once more that we make use of that channel, because it is sickening just looking at its saying that tomorrow the committee will—

The Chair: One thing I think we can do is to get the clerk to write a letter. I will prepare a letter and send it to Mr Somerville asking him to use his ingenious qualities in order to come up with some other ways of advertising. He can get a copy of this Hansard here, the comments that are made. He can go through that and use it more in the future. What I would like to do, there are all kinds of suggestions—

Mr Callahan: I just wanted to respond—

Mr J. M. Johnson: I still have one more.

Mr Callahan: Oh, I am sorry, Jack.

Mr J. M. Johnson: One more, just a simple one and in line with your comments, Mr Callahan, and some of the other members: Why cannot we have our clerk contact other clerks and ask them if they would do a simple survey of the people who have made presentations or will be making presentations, dated as of the first of the year? In other words, in any committees that are having hearings from the first of the year on, ask the people who are making the presentations how they heard about it, what source was used. It is a simple survey that could be automatic.

The Chair: The clerk will follow up on that.

Mr Callahan: I just want to respond briefly. The fact that we have not expanded our television coverage of the committees is obviously because you can only have one committee in that room at a time. But it seems to me that if we are spending \$500,000 or \$750,000 on advertising, we might be well advised to look into—and this is probably beyond that—the question of equipping rooms other than the Amethyst Room with television coverage. Because there is only one parliamentary channel, you would have to have a half-day of this and a half-day of the other. I think that would really give people the opportunity to know what is going on, because I am sure we all hear of people saying, "You know, I'm a junkie, I watch that every day." Seniors watch it, individuals who are at home and so on watch the channel.

If we had a commentator or some introductory thing being done by a clerk or whatever as to, "Here's what is going on today in this committee," kind of like a wrapup of The Days of Our Lives, to let you know where they were yesterday, it might be even as interesting. I mean, we may not move or change any more than the soaps do from day to day.

The second thing is, as Mike said, when you go to a small area the difficulty you have is advertising in weeklies because they come out on Wednesday and you may be going in on a day that is not—we usually stay at a hotel, like at the Valhalla Inn in Thunder Bay. We pay them enough, I am sure, for that room. Surely we could work out a deal with them whereby they could do a little earlier advertising for us, that we are coming and what it is for. I was up in Thunder Bay yesterday and the press had in fact done an article. Unlike Toronto, they did an article on what was going to happen the next day in that committee. I think they are far more responsive to doing that. Again, they need the advertising bucks more, and if you do not do it, they may cut you off. I do not know.

The final thing is that, as you say, Mike, we all know what the realities of these committees are. The name of the game is—and this is not a criticism, it is your role—if you have got a particular bill here, you bring in the guys who are going to say nice things about it. Then the government in turn, if you guys are going to say bad things, tries to find the people who will say good things.

1140

Mr Cureatz: Is that how it works?

Mr Breaugh: You know, Bob, you are quicker than you look.

Mr Callahan: It becomes highly politicized.

The Chair: I have been here several years and this is the first time I have realized that.

Mr Callahan: Is that right? You did not pick that up, eh?

As a result of that, if we cut out these people who really are Joe Q. Public, who really do not have any axe to grind but are coming in to give us, the all-knowing MPPs, a few hints on things we might have overlooked—we need them badly. So the aim of this whole initiative should be, as you say, Mike, to give notice, to make sure people are informed of what they are coming here for, but also to make sure that we get all of the grey matter of anybody who has something to say out there relevant to a bill, not just sort of put it in

a pigeonhole as being labour or business or whatever.

Mrs Sullivan: Do we have a recommendation on the floor? I was not sure if that was—

The Chair: We have a number of suggestions that have been floated but nothing specific. If you are intending to make some, before you do I was going to get Mr Yeager to go through the various suggestions because he has written them all down and then we can go from there.

Mrs Sullivan: I do have a recommendation to put forward.

The Chair: Do you want to wait for a minute before we go through all those? Okay, Mr Yeager, do you want to go through the various suggestions.

Mr Yeager: I did not record every suggestion that has been going on but there are few points that came up—

The Chair: Just the ones you agreed with.

Mr Yeager: The ones I understood.

There are a number of questions that arose in passing that might be worth looking at. One was regarding the in-house capabilities, perhaps in research, to do the types of things suggested, which arise in point 9. Certainly there is no expertise in communications or marketing research in legislative research. What there is is a pretty strong capability to write objective questionnaires that are not leading and that analyse the results statistically.

There was some suggestion about the office of the Clerk contacting witnesses as they come up. I am sure we could work quite closely with them on questionnaire design and do a statistical analysis of the results. I might also add that we have very complete witness lists from all the previous hearings so there is a very well-defined target audience to send a questionnaire to.

Also, it should be disguised. It should not be obvious what the questionnaire is about. It could include other questions about their appearances before the committee which might be interesting.

Mr D. R. Cooke: May I ask a question? What is the function of Day Advertising? We pay them. We write the advertisements and they just send them off to newspapers, do they not? Why is there not some expertise we can utilize there, or why do we not just ignore them?

Mr Yeager: I will start and then Debbie will add more details.

I believe Day is handling all the parliamentary public relation work and that type of thing, not just the committee work. Their mandate is broader. I think, from the correspondence that I

have included in the third appendix, that they have had pretty small involvement in the committee advertising. Basically they have been looking at the conventional advertising and organizing and making a few suggestions, but there is no indication that they have been given a mandate to brainstorm or suggest other things to date, though the expertise is there and perhaps could be brought in. Is that correct?

Mr D. R. Cooke: If we utilized them, you are saying it would be very expensive?

Mr Yeager: Not necessarily. There are a number of things that item 9 suggests. One is finding out the effectiveness of the present stuff. We cannot do that very well. Even with a survey, we are only going to get reported behaviour of people who come in. If that advertising strategy were defective, then we still do not find out entirely what we want to know but we can come up with some numbers that may support doing something better.

The second part of it is, if we conclude from that, and I think we perhaps all feel now that the present advertising is not awfully effective, then what are the alternatives? As Mrs Sullivan said, an information strategy rather than just advertising?

That can be handled in a lot of ways. There are very expensive ones, but between the public relations office and the office of the Clerk and the agency already at record, if they have a couple of sharp people, they could probably in a very short time present you with some things that are worth trying. They might have to be assessed and then you might get into more money. But in terms of having four or five quick ideas, you could even send out junk fax. Things are changing so quickly.

But they probably could, if asked and given some terms of reference, conduct a fairly small pilot study with scenarios or whatever they call them these days, concepts I guess. If the agency is good, it can probably come in with a package of stuff fairly quickly, being untested but just sort of, "These are the types of things that you might consider," without getting into a major study.

The other thing I wanted to comment on was the question of press releases. The ones we use now are quite dry and basically they turn into prose the information that is in the advertisement. It is possible that we could make press releases much more newsworthy or interesting if, for example, we were to abandon the usual press advertisements. The subcommittee or the chairman or whoever could draft up a livelier press release that talked about some of the issues the

committee is going to discuss, perhaps with a quote from the parties in it.

Then the parliamentary public relations office could move that into something catchy, so that when a press release goes out to newspapers it is not just the committee and this or that is going to be meeting on such and such a date to consider aspects of global warming. It would point out some of the concerns, why it is important, what the parties think. A subcommittee could quickly approve something to make sure that it was representative of a broad range of opinion within the committee.

That way you would get more out of your press releases perhaps and they would not tend to be disregarded.

Those are just a few comments on things that arose as we were going by.

The Chair: Do you have any comments, clerk, with regard to our consulting firm?

Clerk of the Committee: It is not a consulting firm. It is actually Day Advertising that we use. Just to clarify, when we run an ad, they do the typesetting, set up an ad in the format [Failure of sound system].

What they bill us for is the individual newspapers bill them and then they send us one invoice that indicates which papers have run the ad and how much they have charged. We get that bill, one invoice, from Day Advertising. They also bill us for typesetting fees.

Where we have used their expertise: As I mentioned, about a year and a half ago the Clerk's office changed the formatting of the advertisement because we wanted to make it smaller and cheaper. We used them to assist in changing that format.

The other thing they do is provide us—for example, when a committee says, "We want to target the ethnic population in the province," then we will go to Day and say, "Can you provide us with a list of relevant press in the province for that target group?"

1150

Mr Breaugh: I am not sure whether the committee in general is going in this direction, but I think we better sound the warning: I do not want any clerk on any committee writing a snappy press release. That is not the clerk's job. It is not the clerk's job to provide an assessment of what people's opinions are. Each of the caucuses has got full-tilt media folks. You can write press releases saying anything you want, but the assembly and the staff of the Clerk's office should not do any of that. At the very most, I would be happy to support the notion that

someone in the Clerk's office provides a weekly press release which lays out what each of the committees is doing, but it is not the clerk's job to write press releases which attract attention, but simply to provide notice. That has to be a particularly mutual idea.

I must confess I am not overly interested in doing surveys of anybody. I have no objection if the clerks, in a casual way, go through and try to make an estimation of how they do that, but I do not see any need to analyse how people got the word on a committee meeting. That is not my role, or at least I do not see it that way. I think our job is to put forward a sensible set of recommendations on how to give proper, reasonable notice of what the committees are doing and nothing more. Past that, the political parties or the individual members can do whatever they want to stir up interest in it or to provide opinion, but as far as the assembly and the committee's job is concerned, it is simply to provide reasonable notice and that is all.

The Chair: As I see it, there are a couple of questions before us. One is whether we should accept what Mr Breaugh said earlier, which is maybe not doing any advertising at all except on the TV monitors and TVs and the ONT.PARL and other ways of putting out press releases and things of that nature, factually correct and no opinions from the Clerk's office, and do that kind of thing. That is one route we could do and save ourselves hundreds of thousands of dollars every year.

The other is to continue advertising. If we continue advertising, then the question remains as to whether we are going to advertise the way we have been advertising or whether we should develop two or three packages for the committees and say, "Look, rather than go through the whole discussion again, here is one set of recommendations, here is another set of recommendations you might do, here is another one, and just pick packages," and they can do what they want to do.

Whatever we decide is not binding on the other committees, we have got to understand that, but we might be able to develop some kind of policy and save a lot of money.

Mr Callahan: Just to respond to Mike, I know what he is saying. I think we have to leave ourselves open for us to do what we do in our particular parties, but I think not doing some sort of survey to justify our dropping the advertising might put us in a pickle because someone is going to say: "Well, I didn't see it in my press. You know, you used to do that. Why did you stop it?" If we do not have an answer for them, by doing

this survey and finding out whether it is worth paying that money for that kind of response, I think we might be in difficulty. I would certainly hope we do that much anyway. I agree with you. I think we—

The Chair: Mr Callahan, the clerks could tell us that. You could survey the clerks in probably a day and find out how many people appeared before the select committee on education and how many people appeared before our committee on different things—

Mr Callahan: Where did they come from?

The Chair: Pardon me?

Mr Callahan: The question is where did they come from?

The Chair: They could tell you that.

Mr Callahan: You see, using the list that I understand Mr Yeager says we have way back, you could in fact do a survey very easily and just find how you came to know about that particular hearing. Whether we use it or not, at least it gives us something to support our reason for suddenly getting rid of the advertisement, because you are going to have the public which is going to say, "Why did you stop?" and you are probably going to have some of the newspapers say, "Why did you stop?" because you are cutting off their substantial income, I would add.

The Chair: If you hire a firm, Mr Callahan, what it is going to do is go to the Clerk's office and get all the data. Then they are going to get someone else to do all the work for them, some other place, and then they are going to put all of this together and then they are going to give you a nice little study and they are going to charge you \$20,000 for it, something that you could have done here—

Mr Polsinelli: That is what Mr Callahan is suggesting.

Mr Callahan: I am not suggesting that we go out and hire a top gun. I am saying let us have the Clerk's staff do this survey and then bring it back to the committee and let us look at it. And if from that survey we can determine just as individuals that 10 per cent of them got it from the newspaper and the other 90 got it from some other area, I think we can justifiably say we are wasting our money advertising.

The Chair: The clerk has reminded me that, as far as she is concerned, the committee has already directed her to check with all the other clerks to see what has been happening there and do a fairly in-depth review with the other clerks as to where these people came from and so forth.

Is that understood then? Mr Polsinelli, you are in agreement?

Mr Polsinelli: I am in agreement.

Mr Breaugh: Mr Farnan is in agreement, too. That is how he expresses his agreement. He walks out that door.

Mr Farnan: This will constitute another week's work.

The Chair: I hope not.

Mrs Sullivan: One of the other things that I think is very important is that we understand that the committees have to set their own business. As a consequence, the recommendations that should be put forward in any of this, I think, ought to give an indication that communications decisions that are made for notice of hearings are indeed unique to each committee and the work of each committee. I think that it is very dangerous ground to tread if the standing committee on the Legislative Assembly puts forward a recommendation that would be unique and consistent for all committees no matter what kind of work they are doing. Do you want recommendations now? I have got more recommendations than have been made.

The Chair: Well, I think I would like to hear them if you have some.

Mrs Sullivan: One of the recommendations that I think this committee could place to the other committees is that they utilize a communications strategy for notice of hearings and committee business that is appropriate to the work of the committee. I think it is very important that we have that on paper first.

Second, the basic approach should involve increased use of publications of notice through the legislative channel and the Ontario Gazette.

Third, committees may adopt as well media communiqués, special interest group-targeted information mailings, targeted print advertising in newspapers, trade and special-interest magazines as necessary.

Fourth, an ongoing audit, through the Clerk's office, of interveners should be conducted to determine the source of information about committee business.

Last, when the committee determines that print advertising in daily newspapers is required, the advertising should be in English in English-language newspapers and French in French-language newspapers.

Mr D. R. Cooke: Is that a motion?

Mrs Sullivan: That is a motion.

Mr Breaugh: Hold on with that motion. I think you had better be a little careful about some

of this. I am quite happy to deal with this, but I would like some notice and I would like a chance to go through some of the ramifications of that. If you do not mind, I would like not to see motions today. Put them down as recommendations and let us come back on another day and have a look at it.

The Chair: Are you in agreement with that?

Mrs Sullivan: That is fine.

The Chair: We will accept that as a recommendation and then when we come back the clerk could have that typed up and distributed.

Mrs Sullivan: It is very scribbly.

The Chair: We can then take that up in late March or early April. Maybe the clerks will have some data on their survey. If there is no other—

Mr J. M. Johnson: Mike does not mean that we will not make use of the Ontario TV channel.

The Chair: No. In fact, he suggested we should.

Mr J. M. Johnson: And for the clerk to contact other clerks and determine—okay.

The Chair: What would you think if we had a clerk, maybe a different clerk every week or something, do maybe a five-minute summary of the committees that are meeting and the work that they are doing? They could do a little interview for Bill Somerville once a week and he would put that on periodically during the day.

Mr Breaugh: They have done that.

The Chair: They have done that?

Mr Breaugh: They used to bring the clerk in prior to the committee sitting.

Clerk of the Committee: Only the committee in room 151.

Mr Breaugh: Only in room 151, and they would do a little thing. I just think Mr Somerville is in a better position to prepare a little report on what can be done quickly and easily, because it will have to change each week. The other problem that you are going to run into is that many of the cable companies do not carry unless we are actually broadcasting a committee proceeding. As soon as that proceeding ends, or shortly thereafter, they will flip over and put a new scroll or something else on there. It is not quite as simple as you might at first think.

Clerk of the Committee: Could I clarify what the committee has asked for, just to make sure that I have got it? I have that you have directed the clerk of the committee to draft a letter to Bill Somerville asking him to outline the current method of advertising on ONT.PARL and to

suggest improvements to that method; also that the clerk was directed to request that all committee clerks conduct a survey of responses to committee public hearings to determine how the public learns of those hearings.

Mr Breaugh: Yes.

The Chair: Third, Mrs Sullivan gave us some suggestions. That matter will be taken up again in late March or April.

Mr Breaugh: The other thing that you might consider is I think that Lewis Yeager could spend a little bit of time going over who has appeared before a committee. I am not sure that we are going to have a whole lot of information about identifying who they are or where they came from, but I think it might be worth a look through that. For example, I know that on the select committee on constitutional reform it became obvious to us that a lot of the expertise was just across the road. So the committee itself took the initiative and invited people we knew had appeared in Ottawa or somewhere else and we wanted to hear from them. Now, we did public notice on the thing, but the trick is that most of that was the committee knew the kind of expertise that we wanted to hear from, we knew where these people were, what groups had appeared before the Ottawa committee and so we had kind of a prepared agenda. We also heard from other individual citizens who wanted to come before the committee, but then there was a specific, targeted group of people with some expertise in the field, who had written books on it or articles on it, so we knew where they would come from.

I think it might be useful to have a little look at who has appeared in front of various committees and is it just a public hearing, is it in fact gathering up some expertise from people who have specific knowledge or some information in a particular field. It might be useful to just take a look through who has appeared before committees in the last year and how that kind of falls.

Mr Callahan: Just following up on that, it might be worth while as well, in this day of computer storage, to keep a list, particularly of these experts, so that when it comes time to have them come and we try to get them to come here free and so on, we know who they are and we can punch them out. More often than not, the clerks know. They are very good at that.

The other thing: We know umbrella groups that are interested in various issues and so on. We might even look at the question of keeping them on tap. The clerks, again, are very good at that, but if our clerks decide to move on to bigger and

better things and we get new clerks in, we lose the benefit of that. So we should have all that in a data bank. I think it is very important.

The Chair: Mr Yeager, I think you can look after that, and the clerk can look after her aspects. You will probably have to get together on some

of these things. I do not have any other items for business today. Unless a member has, we will probably reconvene again in late March or early April. There being no further business, this meeting is adjourned.

The committee adjourned at 1202.

CONTENTS

Thursday 25 January 1990

Committee advertising.....	M-45
Adjournment.....	M-64

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Chair: Epp, Herbert A. (Waterloo North L)

Vice-Chair: Ray, Michael C. (Windsor-Walkerville L)

Braugh, Michael J. (Oshawa NDP)

Brown, Michael A. (Algoma-Manitoulin L)

Campbell, Sterling (Sudbury L)

Cureatz, Sam L. (Durham East PC)

Eakins, John F. (Victoria-Haliburton L)

Farnan, Michael (Cambridge NDP)

Johnson, Jack (Wellington PC)

Kerrio, Vincent G. (Niagara Falls L)

Sullivan, Barbara (Halton Centre L)

Substitutions:

Callahan, Robert V. (Brampton South L) for Mr Kerrio

Cooke, David R. (Kitchener L) for Mr Eakins

Polsinelli, Claudio (Yorkview L) for Mr Campbell

Clerk: Deller, Deborah

Staff:

Yeager, Lewis, Research Officer, Legislative Research Service

Witness:

Martin, Lisa, Special Assistant to Michael M. Dietsch (St. Catharines-Brock L)







CA 20
XC 20
L 20

M-4 90



Government
Publications

M-4 90

Legislative Assembly of Ontario

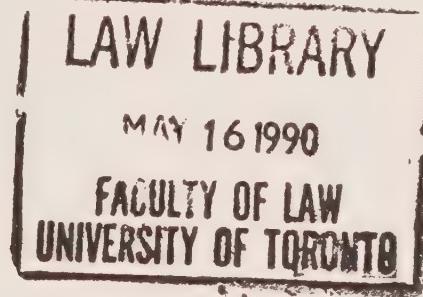
Second Session, 34th Parliament

Official Report of Debates (Hansard)

Wednesday 18 April 1990

Standing Committee on
the Legislative Assembly

Organization



Chair: Herbert A. Epp
Clerk: Deborah Deller

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

Assemblée législative de l'Ontario

Deuxième session, 34^e législature

Journal des débats (Hansard)

Le mercredi 18 avril 1990

Comité permanent de
l'Assemblée législative

Organisation

Président : Herbert A. Epp
Secrétaire : Deborah Deller

Publié par l'Assemblée législative de l'Ontario
Éditeur des débats : Peter Brannan

Languages in Hansard

Hansard reports all debates in English or French as spoken by the participants. It does not translate remarks made in either language. Headings and tables of contents reflect language use.

Langues paraissant dans le Journal des débats

Le Journal des débats rapporte en anglais ou en français les débats, selon la langue utilisée par les participants. Les remarques faites en l'une ou l'autre langue ne sont pas traduites. La langue des en-têtes et de la table des matières reflète la langue utilisée.

Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 965-2159.

Notice to Subscribers

Subscription information may be obtained from: Sessional Subscription Service, Publications Ontario, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, Ontario, M7A 1N8. Phone (416) 326-5310, 362-5311 or toll-free 1-800-668-9938.

Abonnements

Pour les abonnements, veuillez prendre contact avec le Service d'abonnement parlementaire, Publications Ontario, ministère des Services gouvernementaux, 5^e étage, 880, rue Bay, Toronto (Ontario) M7A 1N8. Par téléphone : (416) 326-5310, 326-5311 ou, sans frais : 1-800-668-9938.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday 18 April 1990

The committee met at 1537 in room 228.

ORGANIZATION

The Chair: I would like to call to order this meeting of the standing committee on the Legislative Assembly. We may have some disruptions during the course of our proceedings because of people meeting in the other room. We will try to keep that at a minimum, but as you know they cannot get down the hall to get into room 230 because of the prototype window being installed. There are six windows and three different companies installing two windows each in the building for prototypes to give us some indication as to the 600 or so windows that have to be installed in the whole building, as Mr Breaugh knows very well, but that is not what we are here for this afternoon.

Let us deal with the agenda before us. The first item is a budget in the amount of \$79,284. All of you have had a chance to peruse this with great care. There are some very important items in here that you can identify with. I will entertain a motion to adopt the budget.

Mr Breaugh moves that the budget be adopted.

Motion agreed to.

The Chair: Item 2, the satellite transponder—Wawatay:

Mr J. M. Johnson moves that having previously agreed, the committee retroactively approve the request of the Wawatay Native Communications Society to have access to the Ontario parliamentary satellite transponder for the distribution of a special broadcast of an all-Ontario native hockey championship between 1 am and 4 pm Sunday 18 March 1990. This approval is conditional on the understanding that the Legislature continues to reserve the right to allocate the use of the Ontario parliamentary transponder for its own or other purpose at all times.

A motion has been moved by Mr Johnson that is, I think, routine but necessary under the circumstances and is consistent with our policy regarding the transponder at Queen's Park, a policy we have had for a few years.

Mr Breaugh: What was the date on the motion?

Mr J. M. Johnson: Just slightly over a month ago.

The Chair: We had a mailing out. Perhaps the clerk wants to elaborate on that.

Clerk of the Committee: Just for the benefit of Mr Breaugh, in fact the committee did approve this by mail previous to 18 March. This is a retroactive motion to formalize it.

Mr Breaugh: Yes, but that was in a previous life.

The Chair: You still have your current life.

Mr Breaugh: They only do this kind of stuff in Ottawa.

The Chair: There is a motion on the floor. All those in favour of the motion? Opposed?

Motion agreed to.

The Chair: Item 3, freedom of information, dates for a comprehensive review of hearings in the summer: As you

know, we are responsible for looking through the freedom of information legislation to see how it might be improved upon. It has now been in operation for one and a half to two years and we are responsible, according to the act, for reviewing this. I think the review has to be completed by 1 January. So it is important that we have some hearings in the summer. We had some discussions earlier this year on this matter and the best guess is that we require two weeks.

We may want to do that some time in July. I think it might be a good time to do it, in the summer, when we can do it for about five, six or seven days. We may require some travelling on that. We might want to go to Ottawa and to Thunder Bay, Windsor or London—no exotic travels.

You note also the dates: We could put forth a request for certain dates, for instance the last two weeks in July, but that does not necessarily guarantee we would get those two weeks, or it could be the first two weeks in August or something like that. The first week in August we may very well be away, or early August, so if we are looking at this, we might want to look at the last couple of weeks in July. I will entertain a motion to that effect.

Mr Campbell moves that the committee attempt to meet in the last two weeks in July to deal with this matter.

Motion agreed to.

The Chair: The National Conference of State Legislatures: You have a fact sheet that is being distributed to you by the clerk. If you have any particular thoughts on that you might voice them now or voice them privately to the clerk later on.

If you desire to use a different mode of transportation than flying down for the conference, then of course that would be your option. You would be reimbursed for the lesser amount of flying down or driving down.

If there are no further questions regarding the NCSL conference, item 5 is consideration of future agenda items. I just want to say that there is one item coming up next week regarding food services. Mr Dietsch will be with us. He put forth a paper on that, as you know, and the Legislative Assembly administration has looked at it and implemented some of the items on it. Unfortunately, he cannot be here today, but he will be with us next Wednesday at this time. Is there anything else?

Clerk of the Committee: Next week, we will also be entertaining another application for use of the satellite transponder. We expect to have the report from Bill Somerville and TVOntario tomorrow, so tomorrow I will distribute the agenda, those two reports and a revised food services report from Mr Dietsch.

The Chair: Are there any other items you feel the committee should be dealing with in the next few weeks?

Mr J. M. Johnson: In the Bell Canada directory, in the blue pages, the federal members are listed: for example, Perth, Harry Brightwell MP. Yet with the members of provincial Parliament—Bruce, Dufferin-Peel, Grey—there is no mention of the member's name. Would it not make sense that if they have it for the federal members—the riding and the individual's

name—the same should be done for the province? Could we make some inquiries between now and the next meeting to determine why it was never done?

The Chair: If you make a copy of that and give it to the clerk, she can write Bell Canada and ask it why it has not done it, and in fact request that it be done in the future.

Mr J. M. Johnson: I am sorry. What do you mean, make a copy? I looked in several directories; none of them have it.

Mr Breaugh: Why do we not ask the clerk to draft a letter requesting that all members be included in the Bell blue pages, and Mr Johnson could probably point out one example to the clerk.

The Chair: After all, why should Mr Breaugh, when he goes federal, get his name in there and Mr Johnson not? That is a very great inconsistency.

Mr Campbell: Maybe a progress report on all things that this committee has done successfully: The banking machine is in place and working. I tried it today and it worked well, except

I did not have any money in my account. It seemed to work well for others because there was a pile of waste slips. The other thing is that of course we have credit cards in the legislative dining room. I do not think it has been formally acknowledged that we appreciate from this committee recommendations that have worked out well. I know there are others, like windows and stuff, but I will yield the floor to someone else who might want to make those suggestions.

The Chair: I think that some of the changes that are being made downstairs in the basement level are certainly very progressive and acceptable changes as far as we are concerned—some of the new colours and some of the work that has been done. It is going to be a real improvement down there, and in the future once the carpeting goes in, you might want to bring forth a resolution and send it on to the proper people for that.

If there are no other items, this committee is adjourned until next Wednesday at 3:30 pm.

The committee adjourned at 1547.

CONTENTS

Wednesday 18 April 1990

Organization	M-43
Adjournment	M-44

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Chair: Epp, Herbert A. (Waterloo North L)

Vice-Chair: Ray, Michael C. (Windsor-Walkerville L)

Breaugh, Michael J. (Oshawa NDP)

Brown, Michael A. (Algoma-Manitoulin L)

Campbell, Sterling (Sudbury L)

Cureatz, Sam L. (Durham East PC)

Eakins, John F. (Victoria-Haliburton L)

Farnan, Michael (Cambridge NDP)

Johnson, Jack (Wellington PC)

Kerrio, Vincent G. (Niagara Falls L)

Sullivan, Barbara (Halton Centre L)

Clerk: Deller, Deborah





M-5 90

M-5 90

Legislative Assembly of Ontario

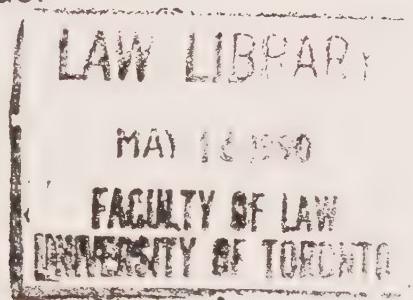
Second Session, 34th Parliament

Official Report of Debates (Hansard)

Wednesday 25 April 1990

Standing Committee on the Legislative Assembly

Satellite Transponder
Food Services



Chair: Herbert A. Epp
Clerk: Deborah Deller

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

Assemblée législative de l'Ontario

Deuxième session, 34^e législature

Journal des débats (Hansard)

Le mercredi 25 avril 1990

Comité permanent de l'Assemblée législative

Transpondeur de satellite
Services alimentaires

Président : Herbert A. Epp
Secrétaire : Deborah Deller

Publié par l'Assemblée législative de l'Ontario
Éditeur des débats : Peter Brannan

Languages in Hansard

Hansard reports all debates in English or French as spoken by the participants. It does not translate remarks made in either language. Headings and tables of contents reflect language use.

Langues paraissant dans le Journal des débats

Le Journal des débats rapporte en anglais ou en français les débats, selon la langue utilisée par les participants. Les remarques faites en l'une ou l'autre langue ne sont pas traduites. La langue des en-têtes et de la table des matières reflète la langue utilisée.

Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 965-2159.

Notice to Subscribers

Subscription information may be obtained from: Sessional Subscription Service, Publications Ontario, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, Ontario, M7A 1N8. Phone (416) 326-5310, 362-5311 or toll-free 1-800-668-9938.

Abonnements

Pour les abonnements, veuillez prendre contact avec le Service d'abonnement parlementaire, Publications Ontario, ministère des Services gouvernementaux, 5^e étage, 880, rue Bay, Toronto (Ontario) M7A 1N8. Par téléphone : (416) 326-5310, 326-5311 ou, sans frais : 1-800-668-9938.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday 25 April 1990

The committee met at 1537 in room 228.

SATELLITE TRANSPONDER

The Chair: I call this Legislative Assembly committee meeting to order. We have on the agenda today a request for use of the satellite transponder for Forum Ontario. We have representatives here: Peter Mitchell, program director of Scarborough Cable, and Bruce Matheson, program manager for Maclean Hunter Cable TV, Ottawa, and chairman of the Ontario Cable Television Producers Association. All of you have some material before you regarding a request for use of the transponder. Mr Mitchell or Mr Matheson, does either of you want to make a presentation?

ONTARIO CABLE TELECOMMUNICATIONS ASSOCIATION

Mr Mitchell: Yes, sir. If I may spend a few minutes of my time, I am Peter Mitchell, program manager of Scarborough Cable, and this is Bruce Matheson, as we have been introduced. We represent today the Ontario Cable Telecommunications Association or, more specifically, the Ontario Cable Television Producers Association, which is an association of community television producers throughout the province of Ontario.

Several years ago, we in the industry decided to create a project of interest to the community of Ontario, a little bit larger than our normal communities. Why I am here today is to ask for your help in this particular project, which we are calling Forum Ontario.

We are asking specifically for two hours of transponder air time, and the reason we are asking for that is that it is the most efficient way, through the cable systems, to reach the maximum number of people throughout the province, in that your system reaches 2.5 million homes or 97 per cent of the cable homes throughout the province. The time frame that we are looking at is one hour, we hope, on 3 June at 8 pm and one hour about a week prior to that, at your convenience, to allow us to pre-distribute the program that we are producing.

Let me describe briefly the project to you, and I will be brief. It is what we are calling environmental success stories. The topic is the environment, and from across the province it will gather numbers of stories and information packages produced by the independent cable companies throughout the province on the small man's story, or what the overall average Canadian can do about the environment and his ability to do something direct. It will be a positive type of program, centred more upon what you, the individual, can do through your own efforts or through group efforts, and the success stories that will come with that, rather than just being an identification of the number of problems with no solutions.

The benefit to the group here in allowing us access to use the channel for this distribution would be to show your support for the environmental concerns of the province and the people of the province, and I am sure you all recognize how the environment is obviously a very supported and hot topic and an item of concern to most people.

It will also show your support of community channels throughout the province, which spend a lot of their time in support of the government activities, the community activities and just working for the communities.

In addition to that, the legislative group would receive a full, complete on-air credit as well, on the program itself at the end of the production.

The project is costing our association about \$25,000. We are in fact underwriting about 75 per cent of the funding of the entire program. In addition to that, we are using all of our substantial existing resources throughout the cable systems and the programming people throughout the province. It is not quite enough, which is why we are here today.

I ask at this stage then that you please consider giving us this opportunity to take this important project to the people of Ontario. We will be promoting it as best we can when we get a firm idea of how we are going to be distributing it. If you have any questions, Bruce and I will be happy to answer them.

The Chair: Thank you very much, Mr Mitchell. Mr Somerville and Ms Allman, manager of telecommunications relations, TVOntario, are here today, and I am just wondering whether you have any comments at this time before we ask for questions from the members.

Mr Somerville: From the assembly's point of view, there are no budget implications to giving this transponder time to someone else to use. The hours they are selecting do not require any staff member's being in the building. All the facilities are controlled by TVO on these hours, so there are no budget implications or operational changes that we have to put in place to use the transponder.

The Chair: With regard to being consistent with our earlier application of the use of the transponder, Mr Somerville, how does it meet with being consistent with that?

Mr Somerville: It does not quite fit the guidelines, and that is the reason, I think, the application is here. We have recommended that the transponder be given first to people who want to use it on an ongoing basis. We have one customer who fills that requirement, the Wawatay Native Communications Society. Then the second requirement is that it have an educational aspect to it. Not having seen the program or any script, I do not think I am in a position to say whether this program is educational or informative. But from the application, it definitely is not an ongoing project at the moment, so it would not meet the criterion of use on an ongoing nature.

Mr Kerrio: What kind of time frame are they looking at for a decision?

Mr Somerville: The hour they have applied for is 3 June at eight o'clock.

Mr Kerrio: No, I mean the decision by us.

The Chair: In other words, how much lead time do you need for a decision by this committee?

Mr Mitchell: We would obviously like to have a decision as soon as possible. In the event that the decision is not

favourable, I must mention that we have looked at other alternatives. The final resort would be a tape distribution system, which is just not cost-efficient or economic, nor would it guarantee the maximum distribution. Really, what we want to do is achieve the maximum distribution and spend the best of what little funds we do have to promote the project so that people are aware of it. In our view, it would be very much an educational type of project.

Mr Kerrio: That does not help me.

Mr Mitchell: The answer to your direct question is, I would like an answer as soon as it is possible for you to give me one, but you probably need a month.

Mr Kerrio: The reason is, there is a question here about whether the programming is appropriate to meet the criteria, and I was just going to say that I would think, as far as I am concerned, that we would have to have that exposure to see whether it meets the criteria before we could make a decision.

Mr Matheson: The program's category is educational.

Mr Kerrio: No. I like the category, but I would think that it would have to be edited to see whether it meets the criteria.

Mr Somerville: As part of the decision-making process, if permission were given, the condition that it is given under is that they have to get a licence from the CRTC and they have to apply for insurance to cover any waivers that may happen during the program. That takes at least a couple of weeks after they put it together. They are responsible for that time period when we give them permission, and they apply to the CRTC and they take responsibility for the programming during that hour.

Ms Allman: If I could just clarify one thing, the third-party access policy for the transponder which the standing committee on the Legislative Assembly adopted in January of last year, which was written in co-operation by TVOntario and the information services branch, pretty clearly sets out the two criteria for access to the transponder.

The first criterion is, as Mr Somerville said, ongoing users, the thought being that this would be the most efficient way of handling the indirect effects, which include your time and master control operators and people at TVOntario's time, in having others have access to the transponder.

The second criterion was for experimental field trials for educational purposes, and that is slightly different than educational programming. It does not really call into question whether or not the program is educational, because experimental field trials are more in the sense of testing new technologies for educational purposes and these being social purposes that sometimes would not otherwise receive the money.

Mr Breaugh: The difficulty I have with this proposal is, of course, that we have not seen the programming. I am not sure we even want to get into the notion of more or less vetting what the programming might be. We do not have the staff to do that. I do not think the Legislature itself has any inclination to do that, but we would be caught in a rather difficult situation if we relinquished control of programming, if I have provided you with access to a system and then at some subsequent date somebody out there was not happy with the programming that was shown.

I am not convinced that this would be a problem with things as you have described them so far, but I have to admit I have not seen the program. So I appreciate that it may be educational in purpose and that may be the intent and we are all in favour of

the environment and these are all good things, but so is the weedman and some people might take exception if there is a little cameo shot from some cable station in Thunder Bay which happens to focus on control of weeds by means of spraying.

So we have a problem here, and I am not sure there is a way around that. From your point of view, I am not sure it is worth the aggravation, to tell you the truth, because as a defence mechanism we would almost have to insist that we see the program ahead of time and that we have full control over what is put out.

Let me test the waters with you a little bit there. What would be your feelings about that?

Mr Mitchell: I do not think that it is a problem you have to deal with, for two reasons. First off, as Bill mentioned earlier, it is an area that you are insured and protected against as part of the process and acceptance of it. Second off, it is—

Mr Breaugh: How? Could you tell me how?

Mr Mitchell: The insurance process? Perhaps Bill could explain that a little better than I understand it.

Mr Breaugh: How are we protected by any—

Mr Mitchell: You are a distributor only. You are not the producer; you are only a distributor.

Mr Breaugh: In your business, I appreciate that that is true, and that is an argument you could use up, down and sideways, but when I go in the South End Tavern and they see something on our network that they did not like, I cannot pull out an insurance policy and say somebody else did that. I am there and they got me and I would need two large citizens to get me out of there.

Mr Mitchell: That is my second point. In the vast majority of the systems, what will happen is that the distribution of the signal via satellite will be routed over and the program will be placed upon the community channel. So the image will reflect on them, if at all negatively, and I would not, in my knowledge of the program, think it is going to be at all negative. It will not reflect tremendously on the Legislature channel, because that program signal will be, in the large majority of cases, rerouted off of the Legislature channel and the cable distribution to the community channel. So you will not have that problem.

In the smaller systems, though, where there is a sharing of the community channel and the Legislature channel on the same channel, you can identify it as a community channel production, which would take away any of your fears, I suspect.

Mr Breaugh: Okay, here is my one last fear, and I will put this on the record. I am wondering what would happen if I went down to my local cable company—nice people they are; I have met them all and they are sweet guys—and I said to them, "Listen, I'd like to have your cable services brought into my house for nothing." I wonder if they would say yes or no. Even if they said: "Yes, Mike, we'd be happy to provide you with all the services that we charge everybody else for. We'll put it into your house for nothing because you're a good guy and you'll only watch environmental programs," then the only problem I would have left is explaining to the other 75,000 people in my community how come I get it for nothing and they have to pay. Answer me that one.

I mean, you are companies in business and you are doing programming now on the side. How do we explain now that the Legislature of Ontario participates in your business?

1550

Mr Mitchell: First off, let me be clear that you are being approached by the Ontario Cable Television Producers Association, not the cable companies. The cable companies do, in fact, pay people to do that, but this is an Ontario Cable Telecommunications Association production; this is something that the producers of the industry in Ontario wish to put together.

Their funding and the limitation of their funding comes only from the executive body of the OCTPA, which has given approval to the project because of the demand, need and desire for these types of projects and has funded forward \$25,000 of the association's money, which comes from the business community. But that is, by and large, how most associations function. I do not see this as being something that was funded by the cable companies. However, on the other side, the cable companies are already committing hundreds of thousands of dollars to community programming for multiple other issues. That is really all I have to say, unless Mr Matheson has something else.

Mr Matheson: This basically started two years ago. At the time, we had done a lot of soul-searching in community television. We have always been providing access to people using the programming and probably including some of you around here using the community channel. We decided that it was time to increase our profile not only in the provinces but across Canada and we would take a more aggressive role in the sort of programming we were doing.

We looked at different things that we could approach at the time when the environment project came up. We said: "What are we going to do with this project? Is it good news or bad news?" I guess it is like, back to my younger days, the Vietnam scenario. You get so used to hearing about it that you could eat your supper and digest the facts that were coming off the television set. We said: "Let's take a different approach. Let's show what people are doing in the community, the individuals, companies and government, to combat these environmental problems facing us."

We then decided to say: "How are we going to do it? Do we have funding from the respective companies?" No, each company was going its own different way in doing it. As an association, we said, "Let's get our act together first and let's start taking a more serious approach to what we are doing, our objectives and everything."

We then decided to approach OCTA for funding because all the members are part of that and we put our own time into it, saying that if we can get some funding from OCTA, that will be the initial step, unless we get no funding. Then the industry itself is not being serious about taking on different topics such as the environment or anything else. We decided to do it on a provincial basis first of all.

On a national scale, there have been different attempts at it, mostly by distribution, bicycling of videotapes. Quite honestly, that does not work. The tapes sometimes get lost. Whether it is the courier system, whether it is mail, it just does not work. We decided on this approach. The majority of the funding has gone towards the producer to get ourselves involved and then to contact different stations throughout Ontario to get videotapes, to go out and do reports and everything else. It just was not there for ourselves, so we hired a producer who has had experience with environmental shows before and who has also worked in community television before. That was a criterion. No offence, but we just did not want the broadcast look. The budget that we are talking about in putting this program together probably

would not pay for 30 seconds of a regular production program at that point.

So this was our first attempt at doing it, and as we got into the budget, looking at it, we said: "We are going to have a problem with distribution. How can we do it?" Our suggestion was to approach this group here. It is one of those things where we have always provided support to different groups and organizations, ranging from the provincial government to TVO for that matter, on projects we are working on, and now we are looking for some support here.

Mr J. M. Johnson: Will there be any advertising, paid commercials?

Mr Matheson: There are no paid commercials. We are looking at some underwriting of the cost from some potential sponsors maybe, and this was allowed by the CRTC. They have no control over the content of the program; they do not appear on the program or anything like that. It would be quite a process at the end of the show.

Mr J. M. Johnson: But during the hour show, there would be credits given to these people?

Mr Matheson: No credits during the shows. There is no advertising whatsoever. We have a mandate that we have to work very closely with the CRTC. We are allowed sponsorship advertising for funding of programs. This came into effect about three years ago. Some people have dabbled in it and some people have left it alone. This was one way of picking up some of the cost, mostly in the area of promotion, if we could. Again, the people we have approached—it is the old thing about community television. How many people are watching? I do not know. You tell me. So to get advertisers or sponsors to underwrite the cost has been very hard. We have managed to get one so far. That is \$2,000 and that is going towards promotion. All they are getting is a credit at the end of the show, nothing in the program. We do not do that to the program.

Mr J. M. Johnson: That is now, but there will not be any change between now and when the show—

Mr Matheson: If we get somebody else for funding between now and the telecast, I will be very surprised. But again, it is not the advertising you are probably thinking of; we are not allowed to do that.

Mr J. M. Johnson: This is the first request. Will there be any more to follow?

Mr Matheson: Quite honestly, it probably depends on the success of this program. Once we do this program, then we have to take a look at what we have done right, what we have done wrong, whether this is the method, whether we look at another method of doing it, whether it has been worth the time and effort that a lot of us have put into it or whether we just back off and say: "No, let's go back to our communities and do community television. Let's not get into the regional basis." We figured there might be a mechanism here for some future endeavours, but there has been a lot of work involved behind the scenes in just putting this together.

Mr J. M. Johnson: So if it is successful, we could look at seeing a repeat performance of today's events.

Mr Matheson: Yes. Maybe it would not be on the environment; it might be on something else.

Mr J. M. Johnson: I would assume a good thing.

Mr Brown: I am a little uncomfortable with the notion. It seems to me that the idea sounds wonderful and the program

sounds good, but my difficulty, I think, is the same as the other members' difficulty. It appears, at least to me, not to meet the guidelines of the Legislative Assembly committee for this particular show. We have a very short time frame to do it. We do not know how many other groups will be here before us with other very worthy community programs that anyone might think should be shown and that we could use our facilities to do. We have no criteria in place to judge these.

I for one am very uncomfortable with the idea that has been suggested of screening them. Certainly I do not think that members of the Legislature should be put in a position where we are deciding what is educational or what is good. As politicians, we all have various views, and I do not think that may be particularly good. I just think that given the short time frame, we do not have the opportunity of developing any kind of coherent policy for dealing with what might be myriad requests, all very good requests, requests that we all might like to see somehow put out there, in essence subsidized by government. I just wonder how you might respond to those rather rambling comments.

Mr Kerrio: Before they do, just because I made a comment, and Mike did, I am not sure we felt that we had to screen them. I thought if there were criteria by the people who are managing this resource, it would have to meet their criteria and I would want to be satisfied that that was the case. I am not sure that we would have to do the screening.

Mr Brown: Ultimately, though, we are always responsible for what the people do on our behalf.

Mr Kerrio: We are anyway.

Mr Dietsch: I would like to hear some of the response back. Certainly I hear the comments in respect of screening. We also have to have a certain amount of faith on the other side. Presumably the individuals who are marketing through their network as well have a certain amount of common sense and a certain amount of concern and talent for the kinds of things they show already. I am familiar with some of the programs that come over community television already in my particular area and some of the excellent work that is put forward in that regard. I am sure many of my colleagues are likewise in the same situation.

I would like to have some response back from our own people in relation to the kinds of requests we can expect to have before us, because that would be my only concern with it, whether this is developing some type of floodgate effect for the kinds of requests that would come before us. I am not concerned so much in terms of the quality of the programs. I believe that the things I have seen so far would be there. I am more concerned on the other side of that, with the kinds of floodgates that might open for requests, we might get to put this sort of thing forward. I do not know if the staff can answer that sort of question or not.

1600

Mr Somerville: I think you raise a good point. When the guidelines were drafted, we spent a considerable amount of time drafting them to look after applications that could come forward in the future. The non-profit-making is one issue that is not in the guidelines now, but there was fairly long discussion.

There was also the number of applicants. In the early days, we got people who showed interest in applying, but once these guidelines were together, they backed off. One example would be the cancer society. They did write us a letter of intent. Then, once they saw the guidelines, they had to withdraw their ap-

plication. The people who have been successful are the Wawatay Native Communications Society, which programs in Cree and native languages. The other people have been telethons raising funds for a particular item, like a hospice in Ottawa. They also used the transponder to raise funds for the capital cost in a hospital in Newcastle. But so far we have had no one falling into this category, an association that is involved in programming and also involved in the industry.

I just want to say one word to the screening: I would be really quite nervous in screening someone else's programs too, to become a censor or a commenter on them. I think if Catherine or TVO were part of the deal, there may be no direct costs but there certainly would be indirect costs. We would have to set up a committee and I would be quite frightened of the whole aspect of becoming a censor board.

Mr Kerrio: But you are not telling me that we could entertain notions without having some idea?

Mr Somerville: No, but I think you would have to draw different guidelines. My input into the guidelines would have to look seriously at this committee or the people who were going to veto programming.

The Chair: Any further questions? If not, I will entertain a motion.

Mr Kerrio: Mr Chairman, are you prepared to make a decision now on this issue?

The Chair: I am comfortable making a decision now, but if you want to wait until later on today or next week or something—I think these people would like to know as soon as possible, but on the other hand, if you need more time then we can wait.

Mr Kerrio: I feel we should talk about it.

Mr J. M. Johnson: What was the recommendation from staff?

Clerk of the Committee: The committee has, either in front of you or sent to you previously, two reports, one from Bill Somerville which indicates that there are no operational or budgetary implications; the other from TVOntario, which is also required to make a report on any application. That letter, from Catherine Allman, says:

"I have reviewed the Third-Party Access to the Ont. Parl Satellite Transponder Regulations and Procedures. The proposal by Forum Ontario does not appear to fit either of the two criteria (a) ongoing users or (b) experimental field trials for educational purposes. I, therefore, recommend that the standing committee turn down the request to telecast the public affairs program."

"In addition, I would note that the past use of the transponder has been for non-profit charities not businesses seemingly in a position to approach Telesat for 'occasional use' satellite transmission."

Those are the only two reports that are required.

The Chair: If they had met the criteria, then they would not be before us, in all likelihood. So you have your guidelines, and the reason they are here is that they did not meet the criteria. You can either approve them and violate the guidelines or deny them and be consistent with the guidelines, whatever choice, or you can defer the decision.

Mr Breaugh: The difficulty that I am having with this is, if somebody wants an answer now, the answer in my mind is no. If there is a willingness to kind of work over a longer-term basis

and see what might come up in another way, but I am just really reluctant to open this up to this kind of programming. I appreciate that it solves your problem and it is a good idea from your point of view, but it does really create a lot of problems for us.

I can think of innumerable groups which would like access to a television network for a little while, which is essentially what we have. As a matter of fact, I think there have only been about three or maybe four exceptions to the current guidelines, and they have always been with a very specific, non-profit, one-day event where we knew exactly the kind of thing that was going to go on. So it has been very controlled.

The exceptions to the current practices have been really quite rare and I am reluctant to go beyond that, unless I have some better idea in my mind of how we fit into this picture and whether this is going to go on and on again. The fear that I have, to be blunt about it—that is probably what makes me say no here—is that if we said yes to you, a very good idea by some very responsible people and it would probably be wonderful, there are a bunch of very responsible people, equally wonderful, who will come in to us and say: "Now listen, this is what we represent. We don't make much money either. This is what we would like to say and we would like to use your television network for an hour or so."

The more we do that, and we might do that rather regularly, then there will be little guys like CBC and CTV walk in and say: "Wait a minute. We're running a network too, but we don't give away network time. If you come and see us, we charge people a good buck if they want to put a program on." So we kind of take ourselves from what we are now into a whole different field by doing that, and that is my reluctance. If you want an answer from me now, the answer is no. If you want to continue to discuss it, I suppose we can do that.

Mr Mitchell: May I ask what it is that you would require or what you would want to discuss further? What would you like from us to give you greater comfort?

Mr Breaugh: Basically, we have toyed with the notion of using our legislative services for other things. For example, we use a video now before the proceedings are broadcast each day to explain the proceedings. We have put together that kind of package. There is obviously lots of potential here for doing other things, but we have restricted that somewhat.

When we have a throne speech, the network is often used for that kind of coverage. When Desmond Tutu was here, I think we used it for that kind of thing. So there have been a few other occasions when our legislative television services have expanded a little bit to go outside the building and do a little different broadcasting than they normally do, but we have stayed away steadfastly from expanding its use of the parliamentary system much more than that.

Believe you me, there are about 130 people in the Legislature who would love to have access to this too. They are all very good, decent folks and they will all tell you that they are non-profit. We would say no just as quickly to each one of them, because there are some other things involved in it.

Perhaps we are being too cautious with this process, but the moment we open it up to another group, then we have to deal with a lot of other issues that we have not got to so far.

Now, if you want to explore with Bill Somerville whether there are possibilities here of doing programming like that, I am sure he would be happy to listen to you, but it sure puts his job in a totally different light from what it is now. This committee has been fairly faithful to the notion that the use of the system is

a pretty restricted use, so the guidelines are pretty tough and the exceptions are kind of rare. They are kind of one-shot things where we know pretty much what is going to happen, so we have felt relatively safe to do that on a few occasions.

I do not mean to pretend for a moment that anybody on this committee speaks Cree and monitors carefully the contents of the Wawatay, but I have watched it and it is not bad.

That is the dilemma we have.

The Chair: As Mr Breaugh has pointed out, where we have made exceptions, those exceptions have been few, and second, they have been very close to the guidelines we have established. Your particular request does not meet either one of the guidelines. I will entertain a motion of some sort, to defer, to approve or to deny.

Mr Breaugh: I have already told you where I am, so if you want me to put it in a motion form, I would be happy to, that the application be denied.

The Chair: Mr Breaugh moves that the application be denied.

Motion agreed to.

The Chair: It is unanimous. Thank you very much, gentlemen. I want to wish you well in your programming, but you can understand where we come from with regard to our criteria and trying to be consistent with them.

1610

FOOD SERVICES

The Chair: The second delegation is Mike Dietsch, who has—

Mr Breaugh: I move that this be denied before we start.

Mr Kerrio: A delegation of one.

The Chair: A delegation of one. Mr Dietsch has been before us before. He has consistently been more than happy with the food services that have been provided. I see him eating down there regularly. Nevertheless, he does have some concerns. He had a report before us some time ago, but unfortunately was not able to attend to speak to that report so we deferred it until today. Mr Dietsch, do you wish to comment on it? All members have copies of it. The report is dated 15 December 1989 and it has to do with the food services.

Mr Dietsch: Thank you very much, Mr Chairman, and thank you to the members of the committee for the opportunity to come before you. I appreciate the fact that you stood down the report while I was out of town the last time. In fact, I was in northern Ontario promoting Ontario food products. No, that is not why I was there. It was something else.

In any event, on a serious note, I do want to say that there are many things in the report that have been taken up, since the time of writing the report, through the efforts of the Legislative Assembly people, Barbara Speakman, Colin Perry and those responsible for the dining room.

The Chair: Who are in the audience.

Mr Dietsch: Yes, they are here today to listen to what I am going to say, I am sure. They have certainly been very helpful in terms of taking up some of the suggestions that have been in the report in the past and that I have made personally to them.

I think it is fair to say that some of the items in the report have certainly been addressed. Many members of the Legislature had an opportunity to participate with the Ontario pork

featured in the legislative dining room, the Ontario Egg Producers' Marketing Board features in the dining room, the Sleeman's beer and other features that have been put forward in the dining room. I congratulate those who were responsible for that.

In recognition of those kinds of things, I believe that the staff would be willing to carry out additional items of promotion. However, they are somewhat bound by storage capacity. That is the ability to, I guess, expend funds on addressing some of the storage capacity problems. I talk about it in relationship to some of the recyclable bottles for Ontario fruit juices and those kinds of things that are limiting them through storage capacity.

I think my experience with the staff people would be very much more complementary towards settling those areas if they had those space allocation problems handled. I recognize the difficulties in terms of financing that this creates, but I know this is the committee that can allocate some of those things for them.

I know that Brights Wines has given some presentations to some of the staff. I believe we should increase some of the training. There are new people coming on stream all the time and I believe we should encourage more training in the proper presentation of Ontario wine products. I think that would help to assist and reinforce some of the earlier training that staff members get. Training, of course, as everyone knows, is not something that you do today and become an instant expert. You have to practise it and work at it.

I believe that the staff down there do the job to the best of their ability and it is incumbent upon us to provide them with some additional assistance to help them develop proper presentations of wines, especially for those who have come on staff recently.

The other point I want to address is not meant to be critical of the dining room purchasers, if you will, but is meant to be helpful, and I would hope that you would accept it that way, in terms of the purchasing of some of the products. I believe that some of the difficulties arise through the purchasing of the products through suppliers. Suppliers have a tendency to be interested in sales and certainly are not always aware of the nature of the products that the dining room receives. I am leading up to the point that I believe we should take greater advantage of the Ontario Food Terminal and the freshness of some of the products that are at the Ontario Food Terminal in terms of supplies.

I also believe that the decor of the dining room in terms of table dressings, the uniforms and those kinds of things has had a tremendous improvement since I started this project upon being elected. I compliment the people responsible for that. I find the waitresses and waiters in the dining room extremely helpful and extremely obliging. I do not want my comments to be misconstrued that they are not, because they certainly are. They represent us and the dining room staff well in that particular aspect.

However, I would like to see some changes in the decor and I believe that some of those are limited by the kinds of moneys that are available. I know this committee has been working on either reallocation of space or adjusting the space, looking at whether the dining room will remain in its present location or whether it will be put in another location.

Mr J. M. Johnson: In the Premier's offices.

Mr Dietsch: Yes, in the Premier's offices, which have appropriate decor for what I think members who eat there deserve.

I think our Conservative friends did not do that in the past, but I am sure that the individuals who currently operate will do that.

My last comment is in relation to the clerks of the committees. I compliment the clerk of this particular committee in terms of her display of Ontario food products and the kinds of juices that are available. I would like to see this committee give some kind of instruction to the balance of clerks in the Legislature to make sure they take extra effort to make sure those kinds of things are available, all for the same reasons that we were all proud of our areas in terms of promoting them.

I believe this committee has certainly exemplified a step forward in the right direction in terms of addressing these concerns on an ongoing basis. I appreciate the time and the effort that each of the committee members and each of the staff members puts in in that regard.

Having said that, I am available for questions or comments.

Mr J. M. Johnson: Could Mr Perry maybe make some comments? There is no point in asking questions on some of the issues Mr Dietsch has mentioned if Mr Perry is already addressing them.

Mr Kerrio: Do you want to get sworn in?

The Chair: Mrs Speakman, I do not know whether you want to come forward or not. Is it necessary that we swear you in? No? Okay.

Mr Dietsch: It would be better than swearing at him.

Mr Perry: I have had that a few times as well.

Following the meetings we had with Mr Dietsch, we did intensify our promotions. I sent the chef out to the Ontario Food Terminal and we have changed our vegetable suppliers so that we are now getting a much better choice of vegetables, including a lot of good Ontario products.

We started a program of promoting lesser-known wineries by selling their wine by the glass. One of the promotions we are going to have towards the end of May will be in conjunction with the beef people. We will have a different winery every day presenting its red wines. Again, we are trying to choose a few of the wineries that have less exposure. Hopefully, they will be able to show you what good products they are making.

1620

Mr Dietsch: Mr Chairman, I wonder if I might just add a comment before questions arise. I think it is very important that the tone of what is trying to be done here remains in its proper light. I do not want it to be misconstrued that I am insinuating or alleging that the dining room people have not done their job.

I think, in co-operation with the dining room people and each and every member of the Legislature, we can make this—I want to turn it into a positive light that we in fact do promote in a proper way. I do not want it to be MPPs versus the dining room. I want it to be the Ontario Legislature working collectively for the betterment of Ontario food products.

Mr J. M. Johnson: I would like to compliment both Mr Dietsch and Mr Perry for working towards achieving a more satisfactory solution to the problem we have.

Over the past number of years we have worked with Mr Perry and we are quite aware of the limitations that they have and always will have, at least for a period of time. Working within that framework, I think that about all we can do is continue to follow through with some of the very valid proposals that you have suggested and Mr Perry has carried out.

I like very much the idea of a special day once a week, pork day or whatever. We have so many weeks and days that we

could promote that and a small winery. It is an excellent idea, whatever we can do to encourage you to carry on or increase the product. I understand the Minister of Agriculture and Food, a few years ago, committed his support to proposals that you mentioned pertaining to some type of attractive displays. I think we can work together on that, and I am very complimentary of both individuals.

Mr Kerrio: We have come a long way. When I came here in 1975, the wine imports were listed by name and the other wines were listed as Canadian, red or white. I think Mr Hall and I played a major role in making certain that we began to list our Ontario wines by name.

I certainly would not be critical of our dining room. I am in fact very pleased with it. The only thing I have ever done, and I think constructively, was talk to some of our people there who are frontline staff, Margaret before and of course our friend now. I got good, reasonable answers.

You know, a person cannot put forward his ideas of what he likes in the way of food. I used to be in the retail business and if you stock your shelves with what you like, you might have it there for ever. So when I made the comment that there were certain foods I like, I would like to see an addition to what you are talking about, the promotion of Ontario fish. Lake Erie perch, for instance, I think is great. It seems to me that you have always brought in the fresh asparagus every year, which is really something when it is in season and first comes on the market.

In addition to the comments that I made about my preferences—when someone says "Look, we put them on the menu and they don't move that well"—I love my German food. You used to serve German sausage, not just the ordinary weiners but good sausage served in and around Kitchener. It may be the place to have a day for that. But Bonnie gave me a very good answer to that. She said, "That wasn't a big mover and now we have it periodically in the cafeteria, if you choose some time to have it when it is on that menu." I was not aware of that, which I think is a good service.

While we have the cottage wineries doing good things and giving us good wines, we now have a few of the small breweries—one is Niagara Falls Brewing Co, producing a beer called Trapper's. Maybe we could supplement those wine days and beer days with all of those little cottage wineries around the province. I might just have them send their card to you and, in the event that you decide to do that, make it known that that could be the case.

All in all, I follow what Jack Johnson says. I think it serves us well. My comments could never be taken as critical, but rather maybe just as a little selfishly motivated.

I must tell you one other thing. I always used to go into a restaurant and if I saw Italian food in there, I would want to look at the cook. I thought that if he did not have dark, curly hair, maybe that kind of food was not all that good. But in this

case, the foods they make, over a broad range, are excellent. I must compliment you on that.

I just have the one comment that it might be helpful to promote our beers and wines and local products. I would be very hopeful that you might help us with that.

Mr Dietsch: Just to wrap up, I would like to thank the committee for its attentiveness and certainly to make my standing offer to the legislative dining room in relationship to the assistance of any of the wineries that they may wish to have for assistance in training for their personnel, or in any other way that I am able to help.

As Mr Kerrio has pointed out—and it was relevant a few weeks ago when Sleeman's from the Guelph area was in, one of the oldest breweries in the province of Ontario—it went over exceptionally well. There were a lot of favourable comments from people using the dining room. Those are the kinds of things I am talking about. We can turn dining in that area into a positive experience.

Mr Kerrio: I have one more quick comment. If it has any validity at all, last fall we just opened our new hospitality college in Niagara Falls. There are a couple of very excellent hospitality colleges around the province. I am not sure that there may not be some dialogue or some exchange with our colleges that might be meaningful to the teachers and students at those colleges and to us here in the Legislature. Some kind of dialogue or a bit of an exchange might even be considered.

The Chair: I just want to relate to one thing that Mr Dietsch mentioned earlier about the space limitations. The staff works exceedingly well under the very, very limited space they have. They cannot serve a lot of those products simply because they do not have the space, as you know, Mr Dietsch, and you alluded to it earlier. But with the restoration project going on in this building, some time in the future that space will be expanded on, I am sure. Both the cafeteria and the dining room will have more space after that. But do not hold your breath. It will be a little while yet.

If there are no further comments, thank you again, Mr Dietsch, for coming before the committee and for your very helpful suggestions. I am sure that you will have some others and we will be able to deal with them. If you get the whip to make you a member of this committee, we will have a built-in critic. I say that in a positive way.

Mr Kerrio: The only thing we might have is a food-testing committee whose members might, from time to time, avail themselves as they go.

The Chair: I know Mr Dietsch offered to sample the wines and all the other things. Thank you again, everyone. This meeting is adjourned unless we have another matter of business. I do not have any, so thank you again.

The committee adjourned at 1629.

ERRATUM

Page numbers in issue M-4 of 1990 should run from 66 to 68, not from 43 to 45.

CONTENTS

Wednesday 25 April 1990

Satellite Transponder	M-69
Ontario Cable Telecommunications Association	M-69
Food Services	M-73
Adjournment	M-75
Erratum	M-75

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Chair: Epp, Herbert A. (Waterloo North L)

Vice-Chair: Ray, Michael C. (Windsor-Walkerville L)

Breagh, Michael J. (Oshawa NDP)

Brown, Michael A. (Algoma-Manitoulin L)

Campbell, Sterling (Sudbury L)

Cureatz, Sam L. (Durham East PC)

Eakins, John F. (Victoria-Haliburton L)

Farnan, Michael (Cambridge NDP)

Johnson, Jack (Wellington PC)

Kerrio, Vincent G. (Niagara Falls L)

Sullivan, Barbara (Halton Centre L)

Also taking part: Dietsch, Michael M. (St. Catharines-Brock L)

Clerk: Deller, Deborah

Staff: Yeager, Lewis, Research Officer, Legislative Research Service

Witnesses:

From the Broadcast and Recording Service:

Somerville, Bill, Manager

From TV Ontario:

Allman, Catherine, Manager, Telecommunications Relations



M-6 90

M-6 90

Legislative Assembly of Ontario

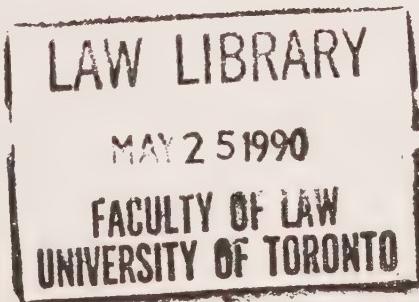
Second Session, 34th Parliament

Official Report of Debates (Hansard)

Wednesday 9 May 1990

Standing Committee on the Legislative Assembly

Patricia Starr Inquiry



Chair: Herbert A. Epp
Clerk: Deborah Deller

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

Assemblée législative de l'Ontario

Deuxième session, 34^e législature

Journal des débats (Hansard)

Le mercredi 9 mai 1990

Comité permanent de l'Assemblée législative

Enquête la Patricia Starr

Président : Herbert A. Epp
Secrétaire : Deborah Deller

Publié par l'Assemblée législative de l'Ontario
Éditeur des débats : Peter Brannan

Languages in Hansard

Hansard reports all debates in English or French as spoken by the participants. It does not translate remarks made in either language. Headings and tables of contents reflect language use.

Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Notice to Subscribers

Subscription information may be obtained from: Sessional Subscription Service, Publications Ontario, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, Ontario, M7A 1N8. Phone (416) 326-5310, 362-5311 or toll-free 1-800-668-9938.

Langues paraissant dans le Journal des débats

Le Journal des débats rapporte en anglais ou en français les débats, selon la langue utilisée par les participants. Les remarques faites en l'une ou l'autre langue ne sont pas traduites. La langue des en-têtes et de la table des matières reflète la langue utilisée.

Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 965-2159.

Abonnements

Pour les abonnements, veuillez prendre contact avec le Service d'abonnement parlementaire, Publications Ontario, ministère des Services gouvernementaux, 5^e étage, 880, rue Bay, Toronto (Ontario) M7A 1N8. Par téléphone : (416) 326-5310, 326-5311 ou, sans frais : 1-800-668-9938.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday 9 May 1990

The committee met at 1607 in room 151.

PATRICIA STARR INQUIRY

The Chair: I am going to call this committee meeting to order. We have before us this discussion on the impact of the Supreme Court decision on the Houlden inquiry. What I would like to suggest, with your concurrence, is that we not meet today in formal session to discuss this matter but leave it at the call of the Chair. I am sure we will be able to get together in the

next few weeks to discuss this and to get a report from our researcher, who has done some work on this. With your permission, I would like to recommend that.

Mr Kerrio: Do you need a motion?

Mr Campbell: So moved to adjourn.

The Chair: We have got a motion to adjourn. All in favour? Opposed? That is carried.

The committee adjourned at 1608.

CONTENTS

Wednesday 9 May 1990

Patricia Starr Inquiry	M-77
Adjournment	M-77

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Chair: Epp, Herbert A. (Waterloo North L)

Vice-Chair: Ray, Michael C. (Windsor-Walkerville L)

Breaugh, Michael J. (Oshawa NDP)

Brown, Michael A. (Algoma-Manitoulin L)

Campbell, Sterling (Sudbury L)

Cureatz, Sam L. (Durham East PC)

Eakins, John F. (Victoria-Haliburton L)

Farnan, Michael (Cambridge NDP)

Johnson, Jack (Wellington PC)

Kerrio, Vincent G. (Niagara Falls L)

Sullivan, Barbara (Halton Centre L)

Substitution:

Pelissero, Harry E. (Lincoln L) for Mr Sullivan

Clerk: Deller, Deborah

Staff: Sibenik, Peter, Procedural Clerk (Research), Committees Branch



M-7 1990

M-7 1990



Legislative Assembly of Ontario

Second Session, 34th Parliament

Assemblée législative de l'Ontario

Deuxième session, 34^e législature

Official Report of Debates (Hansard)

Wednesday 6 June 1990

Journal des débats (Hansard)

Le mercredi 6 juin 1990

Standing committee on the Legislative Assembly

Publication requirement
Satellite transponder
Organization

Comité permanent de l'Assemblée législative

Obligation de publier
Transpondeur de satellite
Organisation

Chair: Herbert A. Epp
Clerk: Deborah Deller

Président : Herbert A. Epp
Secrétaire : Deborah Deller

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

Publié par l'Assemblée législative de l'Ontario
Éditeur des débats : Peter Brannan

Languages in Hansard

Hansard reports all debates in English or French as spoken by the participants. It does not translate remarks made in either language. Headings and tables of contents reflect language use.

Langues paraissant dans le Journal des débats

Le Journal des débats rapporte en anglais ou en français les débats, selon la langue utilisée par les participants. Les remarques faites en l'une ou l'autre langue ne sont pas traduites. La langue des en-têtes et de la table des matières reflète la langue utilisée.

Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 965-2159.

Notice to Subscribers

Subscription information may be obtained from: Sessional Subscription Service, Publications Ontario, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, Ontario, M7A 1N8. Phone (416) 326-5310, 362-5311 or toll-free 1-800-668-9938.

Abonnements

Pour les abonnements, veuillez prendre contact avec le Service d'abonnement parlementaire, Publications Ontario, ministère des Services gouvernementaux, 5^e étage, 880, rue Bay, Toronto (Ontario) M7A 1N8. Par téléphone : (416) 326-5310, 326-5311 ou, sans frais : 1-800-668-9938.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday 6 June 1990

The committee met at 1541 in room 228.

PUBLICATION REQUIREMENT

The Chair: I call the committee to order. I have before me on the agenda several items that we want to deal with at this point. For the first item we have with us Mike Dietsch, the member for St Catharines-Brock, and the clerk of the standing committee on regulations and private bills, Lisa Freedman. It deals with the referral from the Clerk of the House relating to a submission on a private bill in accordance with standing order 79.

Lisa, do you want to explain the problem that we have that Mr Dietsch has created for us and the one he wants to now help us—

Mr Dietsch: You should correct the record right away. I am here on behalf of the applicant.

The Chair: The one who, after having created the problem, wants to now help solve it. I am kidding, Mr Dietsch.

Ms Freedman: The town of Niagara-on-the-Lake has made application for a private bill, and according to standing order 78, every applicant for a private bill must publish in the Ontario Gazette and in one local newspaper notice of the application for four weeks. When the statutory declaration came into my office, it showed publication in the Ontario Gazette for four weeks but in a local newspaper for only one week. After speaking to the applicant, we determined that if they were to publish notice for another three weeks, they would not get the bill in this session, which is one reason it is being referred to this committee.

I would also like to mention that this is a re-advertising. They did advertise—that is still current—in a local newspaper for four weeks, but the bill changed, so they decided to re-advertise. So in essence they have published in the Ontario Gazette for a sufficient amount of time and in the local newspaper for five weeks.

The Chair: The reason it is before this committee is to waive the regulation, the requirement to advertise another three weeks in the Niagara Advance?

Mr Dietsch: Niagara Guardian.

The Chair: The Niagara Guardian. That has been changed since my days there.

Mr Dietsch: There are two newspapers, Niagara Guardian and Niagara Advance.

The Chair: Oh. So they were advertising in the Niagara Guardian.

Mr Dietsch: The Niagara Guardian has a larger circulation and they advertise in the Niagara Guardian.

If I might, I am here on behalf of the applicants, the town of Niagara-on-the-Lake. Albeit that I did serve on that municipal council for a number of years, I do not take responsibility for this error that was made. However, it is my duty to try to instil

upon members of the Legislature the urgency with which this piece of legislation is needed.

Just to give you a little bit of background so you can understand the urgency, each and every year agricultural farmers run into some difficulty with regard to irrigation of land and the municipality is finally at the stage where it is trying to introduce private legislation for the town of Niagara-on-the-Lake to handle its irrigation problems in the time of drought. As the clerk has said, if in fact the Legislative Assembly committee does not waive that regulation, then the re-advertising for an additional three weeks in the Niagara Guardian will put the ads to the end of the month and will pre-empt the legislation from being passed this year and create some difficulty in terms of the potential for drought in the summertime again and the necessity of the town having proper legislation in place for irrigation purposes during a drought season.

As the clerk has said also, we are talking about a re-advertisement here, we are not talking about a new advertisement. The only change between the previous advertisement and this advertisement is the fact that instead of having the irrigation act under the jurisdiction of an irrigation commission, it will be under the auspices of the town council. The content of the bill is exactly the same, there are no differences there, so anyone who was going to object certainly has had ample notice. There were five weeks of advertising in the Gazette altogether and five weeks of advertising in the newspaper altogether, so there has been ample opportunity.

I would certainly appreciate this committee's indulgence to waive that criterion, and I am available on behalf of the applicant for any questions that the Legislative Assembly committee members would like to ask.

The Chair: Thank you very much, Mr Dietsch. I appreciate your being before us, together with the clerk, to help clarify this situation. I know members have some questions.

Just to clarify, it would then go to the standing committee on regulations and private bills if we were to waive the requirement that it be advertised.

Mr Dietsch: If this committee waives the requirements, the bill will be introduced tomorrow by me and then will go to the standing committee on regulations and private bills.

The Chair: Then it would go into the House, probably after tomorrow, and could be dealt with fairly expeditiously.

Mr Dietsch: It is my understanding that in fact it could be dealt with by the end of the session, which would put legislation in place for a very needed irrigation bill.

Ms Bryden: I can certainly understand the urgency of the matter, and it does appear to have been mainly an oversight, perhaps, shall we say, in following the rules, but there has been some advertising.

I am not clear, when you say that you have changed the auspices of the act from an irrigation commission to the municipality of Niagara-on-the-Lake—is that correct, the change? The town council of Niagara-on-the-Lake will administer the legislation?

Mr Dietsch: If I might just further explain, in the handout, the advertisement that was conducted the first time is on the right-hand side of the page and the advertisement that was just concluded is on the left-hand side of the page. The only difference in that piece of legislation is the fact that instead of being commission-constructed, it will fall under the jurisdiction of the town council.

Ms Bryden: Is the irrigation commission also an agency of Niagara-on-the-Lake or of the provincial government or—

Mr Dietsch: No.

Ms Bryden: Was it a new body to be set up under the legislation? I do not understand.

Mr Dietsch: It will be under the town council and it will just fall under the guidelines of the town council. It is private legislation for the municipality of Niagara-on-the-Lake only.

Ms Bryden: But what was the commission supposed to do before? You say there was a reference to the irrigation commission. Is that a regional body, a provincial body?

Mr Dietsch: There will be no commission.

Ms Bryden: You were setting up a commission originally.

Mr Dietsch: Originally the town of Niagara-on-the-Lake was setting up a commission. In consultation with legislative counsel of the province of Ontario and a number of other agencies, it was suggested to the town of Niagara-on-the-Lake that it fall under the jurisdiction of the council and not a separate commission, so the legislation was redrafted to reflect those concerns and now falls under the council.

Ms Bryden: Does it mean that the council has more leeway in what it can do under the proposed bill, or is it a different sort of administration?

Mr Dietsch: No, it means that all the administration will be conducted by the town council and not by a separate commission.

Ms Bryden: Not by a sort of hand's-length body.

Mr Dietsch: As I understand it, in the suggestions that were made to the town of Niagara-on-the-Lake for the changes they wish that the changes would be under the town council for greater accountability to the people, so the change was made to accommodate that suggestion.

1550

Ms Bryden: I think the committee should be aware that we are recommending that this go to the regulations committee without further advertising. We are also recommending the change in the wording from the original ads and the change in the administration from the original proposal. Is that not correct?

The Chair: No, we are not going to recommend a change in the wording. There has been a change in the wording which necessitated the advertising, but they have already advertised four times in the Gazette and once in the Niagara Guardian, and if they were to advertise another three times they would meet the present regulations, but they do not have time to advertise another three times because of the shortness of the period remaining until the end of the session. That is why it has come to this committee.

Ms Bryden: I can understand that, and I think the urgency is great enough. I just wanted to clarify, though, that I think when it goes to the regulations committee, it will also have to be aware that originally the advertised proposal said it would be administered by a newly established irrigation commission and now it will be subject to the town council. Perhaps you are right that that may produce greater accountability, I do not know; that is up to the regulations committee to decide whether it is willing to recommend this different proposal. It is slightly different, and I think we should, as I say, bear in mind when we do deal with this that we are dealing with a slightly different proposal that has not been advertised.

The Chair: There are precedents to doing this. That is why, in order to expedite procedures of this nature, people can come to this committee to ask permission to do it and it is another committee from the one that is actually dealing with it, which is again another way of dealing with it a little more objectively.

Mr J. M. Johnson: I support the request by the Niagara-on-the-Lake community and would be prepared to move a motion.

The Chair: Mr Johnson moves that we comply with the request of the town of Niagara-on-the-Lake for the suspension of standing order 78(e).

Before we have a vote, there are at least two other questions, I think.

Mr Eakins: The main concern seems to be that only one advertisement was given in a local paper. Has there been comment on this otherwise, so that even though it was not an authorized advertisement, at least the people have been aware of this legislation?

Mr Dietsch: Yes. Just to outline a little bit of the history, I might say this goes back to, I would say, a good eight or nine years that this has been in discussion. There has been, as recently as last Thursday evening, a public meeting again with farmers in the community. There have been several meetings with farmers in the community already over this irrigation. It goes back in fact to my time when I was an alderman on the council.

Mr Eakins: I think that is what I was asking. Other than the mandatory four advertisements, it has had one, but it is not a subject that is unknown to the people.

Mr Dietsch: Oh, no.

Mr Eakins: It is well known.

Mr J. M. Johnson: Just on a point of clarification. Did Mr Dietsch not say that there were four advertisements that slightly differ, but the same facts except another name? So five ads?

Mr Dietsch: Yes, that is right. In actual fact, it has been advertised five times in the Gazette and five times in the Guardian newspaper—not five consecutive weeks, five times—but the last once in the newspaper varies a little bit from the original advertisement and the last four times in the Gazette varies a little bit from the first time it was advertised in the Gazette. The introductory, as I said, where the jurisdiction lies, is the only difference, not the purpose of the bill.

The Chair: As I understand, there is no appreciable opposition to this.

Mr Dietsch: There has been one objector, with whom the lawyers for the municipality have had extensive consultation. The objection is relative to the water issue, the expense, the costing of the water. Currently the objector has had free water and from now on he will be required to pay for water if this legislation is passed in its final form.

The Chair: Mr Kerrio, did you have a question?

Mr Kerrio: No, I was just looking for the motion.

Mrs Sullivan: I would just like to know the answer to one question.

Mr Kerrio: Just a moment. On a point of order, Mr Chairman: There is a motion and a seconder.

The Chair: There is a motion. Now we are having a discussion.

Mr Kerrio: Yes.

Interjections.

Mr Kerrio: No, no, that is not quite right. I do not think that is quite right.

Interjection: Why?

The Chair: We have a motion.

Mr Kerrio: I am just trying to clarify where we are.

The Chair: Yes. We have a motion. It was duly made and seconded, and we are discussing; we have some more questions. You see, we had some questions, and in between the questions we had the motion. Now we are having the other questions and then we will have a vote on the motion.

Mrs Sullivan: The question I had was related to the advertising in the local media. I wondered if there was any difference in the content of the advertising relating to the description of how the municipality will collect charges from the users and how the municipality will control who has access to the water.

Mr Dietsch: The answer is no. There is no difference in that content of the legislation. Perhaps I can just re-explain. The only difference in the legislation is that it was originally designed in the legislation to set up a public utility irrigation commission. Now, under the new legislation, it is proposed it will fall under the town council. That is the only difference.

Mr Velshi: Just one question. Is the change from the irrigation commission and then the town council now taking over just an oversight in terms of the advertising, or are we becoming party to some major conspiracy around here? Would this fact that you are changing from a commission and the control goes back to the town council now be cause for new objections coming from some people around there?

Mr Dietsch: I would suggest no. The intent of why it was changed initially, and it was a suggestion by legislative counsel to change, in consultation with a number of ministries that this bill touches on, was that there were a lot of difficulties with respect to a public utility being able to assess any charges. Under the town council, of course, the council has legal authority under its legislation to do those kinds of things.

Mr Velshi: One other question to you, Mr Chairman; just a clarification here. If this thing gets passed, which I think it will be in any case, could somebody who would have objected because the new ad was not placed more than once—could the whole thing be reversed? Is there a possibility?

The Chair: It could not have become law because it would not have met our regulations. The clerks of the committees monitor this very closely to make sure that the various regulations in passing a piece of legislation are met, and if they had not done that, then they would have postponed the passage of it. It would not have gone through the committee on regulations. Is that correct, Ms Freedman?

Ms Freedman: My only comment on that is, if this committee waives the standing order requiring notice and it goes through the regulations and private bills committee, has first, second and third reading and royal assent, there would be no recourse for anybody to come back and challenge that.

The Chair: Ms Bryden, you had another question?

Ms Bryden: I just wanted to add that I support the proposal in its amended form, because it does sound to me like it is very necessary. I visit Niagara-on-the-Lake every summer to go to the Shaw Festival, and I have observed the agricultural area surrounding it and the droughts many summers. I think it may be a real advantage having it completely under the town council. They will be able to get things done quickly and be able to set the rules in council meetings and there will not be a sort of distant commission that they have to go through. It may also reduce the opportunities for patronage appointments to commissions. It sounds to me like, as long as the council exercises its obligations responsibly and is answerable to the public—

Mr Dietsch: It certainly was all the years I was there.

Ms Bryden: —as I am sure it usually is, or is in all cases to my knowledge, it will be a well-administered, useful addition to the community and to the township.

The Chair: Thank you, Ms Bryden. We have a motion on the floor which has been duly made.

Motion agreed to.

The Chair: Mr Dietsch, you can take that to your committee tomorrow, and hopefully it will be approved and you can proceed then.

Mr Dietsch: I would like to thank the committee for its indulgence and I certainly appreciate all the comments that were received. I appreciate your time.

1600

SATELLITE TRANSPONDER

The Chair: The next item on the agenda is the application for use of the satellite transponder by Wawatay Native Communications Society. As you probably know, all of you were surveyed a few weeks ago with regard to this, so it is just a matter of confirming formally that Wawatay use the transponder, and I will entertain a motion to that effect. Mr Johnson, so moved? All those in favour?

Ms Bryden: I am sorry, I am new to this committee. I have no idea what the satellite transponder is.

The Chair: I wish Mr Somerville were here, but it facilitates the use of the parliamentary channel. As you know, we have the channel here. Its waves are transmitted all over the province and the use is almost exclusively by the Legislature. However, the Legislature, through this committee, has extended use of the parliamentary channel to other groups from time to time. Those groups have to come to this committee to get per-

mission to use that channel. We do this in conjunction with TVOntario, and Wawatay is a group of our first nations which has used this channel on Sunday afternoons for about an hour or an hour and a half from time to time, but from time to time they want to increase the use of it.

We have been very selective. We have guidelines set down as to who can use it and how much they can use it. What happens is that when they want to expand the use, then they have to come to this committee and ask permission. The request was in line with our regulations but was not in early enough that we could deal with it, so the members were surveyed by telephone by the clerk during the week we were off and they all agreed.

Interjection.

The Chair: In fact, it was in writing, and they have all agreed, but what we do need is a motion here. Was it from—

Clerk of the Committee: Wawatay Native Communications Society.

The Chair: It was from one hour to one and a half?

Clerk of the Committee: They had use of the transponder for that day, they just wanted to extend that use for an extra hour.

Ms Bryden: I certainly appreciate your explanation. It sounds to me like a very worthwhile project to allow this native group to use the facilities to the fullest extent that it can and that we are able to provide it with the facilities.

Since we do not see the agenda before we arrive at the meeting, probably for new members it should have had a brief explanation.

Clerk of the Committee: Actually, I had no knowledge that you would be here until I received your sub slip right now.

Ms Bryden: I appreciate that, yes. I just received the substitution slip this morning. I would have asked the clerk and not taken up the time of the committee if I had known this was on the agenda.

The Chair: It is a very innocent mistake. I think what has happened is that, because of one or two of your members changing committee assignments, the responsibility has fallen on you, so I understand your questions.

We have this motion to deal with then. As you know, the Wawatay group wanted it for another hour and that has been approved by this committee in an individual ballot. So perhaps we could have a motion. I think Mr Johnson had a motion earlier, but I just want to confirm that. Did you have a motion to confirm the request of the Wawatay group?

Mr J. M. Johnson: Yes.

The Chair: Thank you. There is no seconder needed. All those in favour of Mr Johnson's motion? That is carried. Thank you.

ORGANIZATION

The Chair: The next item is the reconsideration of dates for public hearings on the Freedom of Information and Protection of Privacy Act, 1987. Originally we put a request in to have this in the last two weeks of July, because we have to deal with the freedom-of-information act and under the act

we are given a year to review the act after it comes into force. We are given one year, I think it is.

Clerk of the Committee: Once the committee begins its comprehensive review of the act, it has one year to complete that review.

The Chair: That is it. We started early this year, and that means we have about another six months or so to complete it. We intended to have some public hearings in July, but I understand the committee cannot meet in July. The whips of the various parties, I guess, have agreed that there will not be any committee hearings during July, so that means we will have to look at either August or September.

If that is the case, is there anybody here who feels strongly when we should meet in August or September? Whatever you request is subject, of course, to the House leaders agreeing, because they have to slot in other committees, and our requests may not always be honoured. If you have any particular wish, we should look at August or September.

Mrs Sullivan: I just wanted to query the kinds of witnesses who would be likely to come before the committee. I cannot recall there being a huge influx the last time we looked at the freedom-of-information act. I wonder if this time we may have municipal representatives or if there would be circumstances that might make it more convenient for witnesses to come at one time or another. Do you have any indication of who would be interested in appearing before the committee to comment on the act?

The Chair: My best information is that there might be half a dozen people who have direct interest in the act, who put in appeals for information and so forth. Beyond that, there has not been a groundswell out there of public interest in this particular act. There may be some communications people. There might be a newspaper or two that might want to come before the committee and so forth. There have been a few discussions with the privacy commission and it has indicated people who want to come before the committee when it meets, but beyond that, I really cannot say.

We might want to do a limited amount of travelling. On the other hand, if there were only one or two people, let's say if one person wanted to come from Ottawa, it might be cheaper to bring the person from Ottawa here rather than have the committee go to Ottawa, that kind of thing. I am not sure. The clerk may want to add to that.

Clerk of the Committee: All I would like to add to that is that there have been some discussions among our legislative research service, the information privacy commission and the information privacy branch. I think what we will do is sit down and between us compile a list of those people who would be interested and send out a mailing to those people. In addition to that, a contact was started that has, I believe, seven groups on it to date.

The Chair: Who might be interested in coming.

Clerk of the Committee: Those people who have called already and expressed an interest in appearing.

Ms Bryden: Have you had any hearings to date?

The Chair: No. We have deferred the hearings because we felt we should do those all together, and it may be a week or a few days or whatever it might take.

I hope you people will leave your calendars open for August and September to have these hearings.

Ms Bryden: I assume that our groups would also prefer to have the hearings in September, when most people are back from their holidays, and also for the preparation of their briefs. They may want to submit them to their groups.

The Chair: Is there general consensus that we have this in September? Okay. Why do we not leave it with the Chairman and the clerk to try to work something out with the House leaders as to picking a week or two in September and see what can be done at that time, if that is okay with the committee? Okay? Thank you.

Next, this committee is charged with the semi-annual review of various offices in the Legislature. We are, of course,

honoured to have the Sergeant at Arms before us today. Mr Stelling, would you come forward? He will give us a report.

As you can appreciate, some of these items we can start initially in this session or we can go in camera later on. Maybe what we should do is go in camera almost immediately and then deal with the security. As you can appreciate, it is not something that should be dealt with in open session. If there is no objection, we will go in closed session immediately and then we will have an opportunity to deal with the security and with the items that pertain to your office, Mr Stelling.

The committee continued in camera at 1611.

CONTENTS**Wednesday 6 June 1990**

Publication Requirement	M-79
Satellite Transponder	M-81
Organization	M-82
Adjournment	M-83

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY**Chair:** Epp, Herbert A. (Waterloo North L)**Vice-Chair:** Ray, Michael C. (Windsor-Walkerville L)

Braugh, Michael J. (Oshawa NDP)

Brown, Michael A. (Algoma-Manitoulin L)

Campbell, Sterling (Sudbury L)

Cureatz, Sam L. (Durham East PC)

Eakins, John F. (Victoria-Haliburton L)

Farnan, Michael (Cambridge NDP)

Johnson, Jack (Wellington PC)

Kerrio, Vincent G. (Niagara Falls L)

Sullivan, Barbara (Halton Centre L)

Substitutions:

Bryden, Marion (Beaches-Woodbine NDP) for Mr Farnan

Velshi, Murad (Don Mills L) for Mr Campbell

Also taking part:

Dietsch, Michael M. (St. Catharines-Brock L)

Clerk: Deller, Deborah**Staff:**

Freedman, Lisa



M-8 1990

M-8 1990

Legislative Assembly of Ontario

Second Session, 34th Parliament

Official Report of Debates (Hansard)

Wednesday 20 June 1990

Standing committee on the Legislative Assembly

Semi-annual review:
Clerk of the House



Assemblée législative de l'Ontario

Deuxième session, 34^e législature

Journal des débats (Hansard)

Le mercredi 20 juin 1990

Comité permanent de l'Assemblée législative

Présentation semestrielle
des responsabilités du greffier

Chair: Herbert A. Epp
Clerk: Deborah Deller

Président : Herbert A. Epp
Greffier : Deborah Deller

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

Publié par l'Assemblée législative de l'Ontario
Éditeur des débats : Peter Brannan

Languages in Hansard

Hansard reports all debates in English or French as spoken by the participants. It does not translate remarks made in either language. Headings and tables of contents reflect language use.

Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Notice to Subscribers

Subscription information may be obtained from: Sessional Subscription Service, Publications Ontario, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, Ontario, M7A 1N8. Phone (416) 326-5310, 362-5311 or toll-free 1-800-668-9938.

Langues paraissant dans le Journal des débats

Le Journal des débats rapporte en anglais ou en français les débats, selon la langue utilisée par les participants. Les remarques faites en l'une ou l'autre langue ne sont pas traduites. La langue des en-têtes et de la table des matières reflète la langue utilisée.

Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 965-2159.

Abonnements

Pour les abonnements, veuillez prendre contact avec le Service d'abonnement parlementaire, Publications Ontario, ministère des Services gouvernementaux, 5^e étage, 880, rue Bay, Toronto (Ontario) M7A 1N8. Par téléphone : (416) 326-5310, 326-5311 ou, sans frais : 1-800-668-9938.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday 20 June 1990

The committee met at 1537 in room 228.

SEMI-ANNUAL REVIEW: CLERK OF THE HOUSE

The Chair: I will call this meeting of the standing committee on the Legislative Assembly to order. One of our responsibilities is to hear the Clerk of the House, Claude DesRosiers, on a semi-annual basis. It is opportune at this time to have him before us to deal with a number of matters that are under his jurisdiction or responsibility.

I am sure he will want to make a few comments and then we will open it up for members to ask questions. We have the rest of the afternoon, but I am not sure how long it will take. I know some members are anxious to get in the House and see the debate, and maybe participate in the debate, on the motion by the government regarding Meech Lake. You may have that opportunity.

Mr DesRosiers, do you have some opening comments?

Clerk of the House: I will be very short on the opening comments. I know that committees as a rule do not take very kindly to long opening comments because it cuts down on the questioning time.

This is probably the second or third time that I have been privileged to appear before you. It is very important for me to come here on a regular basis to make sure that I am in tune with what the members feel and to hear what their main concerns are in this building, because I think I represent a staff that is dedicated to working in this building for the members. We are all here for the members and therefore it is important that we have regular contacts with you to make sure we are in tune with what your desires are.

I think I can report, just very generally, that when I took over this job nearly four years ago it was not a very well described job, although I knew in my own mind, and I also knew that the committee that had hired me knew, what kind of responsibilities were being handed me. It has taken close to four years to arrive at a situation where I feel we now have an organization that is striving to serve the members and it is getting better organized as we go.

I always like to tell my senior managers that we are privileged not to be working here in a bureaucracy that is set up already. We are privileged to work in an environment that is not overly bureaucratized. One of our major aims is to make sure that it does not become overly bureaucratized and that members always feel they are close to the people who are here to serve them. We are building this structure as we go and oftentimes as we meet regularly at management advisory committee we will hit upon a new piece in the puzzle of the organizational structure here.

I think I can say—I will end my comments here and await your questioning—that we are at a point now where we have built a structure over a period of nearly four years and that we have built that structure with the main preoccupation of service to the members, not with the preoccupation of service to the bureaucrats.

Mr Cureatz: Might I first say to members of the committee that I did not have the opportunity of working with the Clerk that closely when he first arrived, but have since the new rules changes in terms of my capacity as the Second Deputy Chair.

In terms of that reference, we often refer to that position as one of acting Deputy Speaker. It should be noted somewhere with the Clerk that after the election and the committee is struck again—Mike Breugh and I had the opportunity of speaking about this between ourselves—there should be a rephrasing of that title just to make it a little more helpful and clear as to what the position really is. I have gone over it in my mind a few times. It could be the Speaker, the Deputy Speaker, then Chairman of committee of the whole House, Second Deputy Speaker and then Third Deputy Speaker, something like that. I think the wording is a little unwieldy under the standing orders.

In any event, having had the opportunity of being in the position now, I guess, for not quite a year, I want to report to members of the committee that I am very impressed with the Clerk. I think he does a very able and—I want to stress this—unbiased job in terms of interpreting those issues under the standing orders that can be of some trying consequences from time to time.

All of you will not have the opportunity of working that closely. I know that from time to time, as private members we pop down to the Clerk's table to seek advice from the table and the Clerk. But having had the benefit of working along with him on a more regular basis, I can assure you that I feel very comfortable when I am in the chair in terms of approaching the administration of the committee of the whole House or the assembly in an unbiased fashion, and I feel very comfortable when I have to call upon the Clerk or his assistants.

To me, the Clerk has given guidance and direction to the assistants and with that lead I always am encouraged, when I am in a tight spot from time to time about making a quick decision, to quickly rely on direction. You know what it is like, sitting in the chair sometimes. Your mind is spinning quickly and you are not sure which way to jump and you take the first advice that comes your way. Often it is the Clerk's and when in doubt I go with the Clerk, because I feel very comfortable that it is neither government-oriented nor opposition-oriented; it is for the benefit of all members.

I do not mean to ramble. You mentioned, Mr Chairman, about the format and maybe quitting early. I have to go back in the chair. Very kindly, one of our colleagues allowed me to slip out.

I wanted to bring this to the Clerk's attention, but more to the committee members' attention. We have had a problem with Mr Breugh. I do not mean in terms of his decision of not wanting to sit in the chair. I just mean a practical problem because he has decided. I am not fighting with his decision, but with his not being there of course one of the aspects—I have had this position once before and I know how time-consuming it is. For those of you who have not had the opportunity, let me tell you that if you want to do it right, you have to be here every minute the House is sitting. If you are not in the chair, you are in your office monitoring it so that when you go into the chair

you feel comfortable—at least I do and I am sure I can speak for Jean Poirier—and there is a smooth carrying-on of the feel of the debate that is taking place.

Under the Conservative administration it was hard-pressed with two deputies. I was very encouraged with the rules changes and give credit to the government for the placement of a third, and to be spread among the parties. As it turned out for almost—I forget the time frame—six or seven weeks, the First Deputy Chair—that is the title—has decided not to sit. The committee should look at the process on how to resolve that kind of issue when we run into it. I have approached the Clerk and we have had a stalemate in terms of trying to resolve it. It is not healthy for those of us who are trying to run the assembly, and it is not healthy for all of you who are sitting there in terms of it crosses your mind from time to time, "What's going on?"

As a result there appears to be no avenue. I am trying to think in terms of what could be done. Perhaps when the new positions are filled after the election there should be agreement among the leaders that in the event there is a sharp disagreement with one of the acting deputies, within two or three weeks he shall resign and another deputy be placed.

I know the two opposition parties have small caucuses, but as the Clerk and I have discussed, it does not necessarily mean that one of the deputies has to come from one of the opposition parties. If the opposition parties feel that they cannot supply an acting deputy, then it can come from the governing party. I see nothing wrong with that either, as far as that goes. But there should be a process to resolve some of these difficulties.

The Chair: Mr Cureatz, if you have some questions, you might want to ask them.

Mr Cureatz: I do. Mr Clerk, have you addressed yourself to the process of how we would resolve this?

The Chair: Let me also say, Mr Cureatz, that I appreciate very much your raising this. If there is one of those periods in between when everybody starts running around with signs in their hands and everything else saying, "Vote for me," and those kinds of things, then when you are returned—I am sure you will be if you run again—why do you not come before the committee and draw this to its attention, if you are a member of the committee or if you are not a member of the committee? I think it might be a good time to speak to it, so it does not get lost and so forth.

Mr Cureatz: That is right. That is why I am bringing it forth for the Clerk, so that if I am not here—who knows what will happen—at least there will be some consistency. The Clerk can bring it to the attention of the committee, or the clerk of the committee can. I have my own opinions. The Speaker wrote a letter and I was going to ask what the Clerk felt about it. I have my own opinions, I and my seagull and shopping bag, but that is beside the point.

I will not address that. I will leave that to some of you members so I can go back into the House. But I do want to ask, have you brought your attention to the kind of difficulty we have encountered with one of our acting deputies? Have you thought of a process as to how this could be resolved in future or to anticipate an agreement so that if it happens there will be a process for resolving it?

Clerk of the House: First of all, let me say that this is not part of my responsibilities. My responsibilities are twofold here. One is administration, and basically my main one is to give advice procedurally in the House. As far as procedural advice in this case is concerned, I think the running of the chair, if I can

put it that way, falls definitely under the control of the Speaker-ship here, and that is fine.

You mentioned a mechanism to sort of address this problem. I think probably that mechanism exists. Members can very well look after that themselves, discuss it among themselves and decide. I do not know what the exact problems are in this case and it is probably for people other than myself to try to solve that.

Mr Cureatz: So you feel that the mechanism is within the members—

Clerk of the House: I think so because certainly if a vacancy were to occur—there is no vacancy right now. The only thing you can devise in a standing order would be a procedure to fill a vacancy. As far as I am concerned there is no vacancy right now and that is fine. As I say, the other part of it is out of my hands completely. I have nothing further to add to that.

Mr Cureatz: That is fine.

1550

Mr Kerrio: At the outset I would like to concur with Sam, who is in a very able position to make a determination on how well our Clerk, Claude DesRosiers, functions and I concur wholeheartedly with what he has said.

The thought occurred to me that it seems like the coolest head in the whole Legislature is sitting in the chair there. I have visions of some of those modern movies. Even if bodies were flying through the air, I think our Clerk would sit there unperturbed and handle the whole situation.

On that other subject, and I was following with Sam, I also feel that from time to time we have to get some changes to the standing orders so that this kind of event cannot happen. People who are in a position to conduct the business of the House from the Chair's position certainly cannot take exception to decisions that are made, and if that were the case they should be perfectly free to take their feelings but not be able to continue.

I think we would have to look at some kind of revision where that would be very specific, that the Chair is unbiased, that they have to do their job from that position and that if ever a conflict occurs, it would be in the best interest of the members in the House that they be replaced quite quickly, because if it goes on for any length of time it puts a tremendous burden on the people who are left to conduct the business of the House.

I imagine I would not be looking to the Clerk to make that decision, but rather looking at some changes in the standing orders that would take that into account.

Mr Elliot: I would like to make a comment and ask a question too. The comment is that if your primary aim is to make people feel comfortable here in the way you administer and to cut down the bureaucratic kind of interference, I think you have been very successful. As a new person here for three years, I think you welcomed the group in and did an indoctrination period in the first month or two, and without exception the people you are administering are following your lead in being very accommodating and making sure the members have what they require. At least, I have never had one instance when anything that I required was not given to me very speedily. I thank you for that because that comfort level allows you to do your job in a lot better fashion than if you had problems in that regard.

My question has to do with the possibility of reviewing the recorded mechanism of all the things in the House with a view

to maybe cutting down on the use of paper. Television has been in place for quite a while in the House and it seems to me that the most permanent long-term record that would be valuable to people from now on would be the television record. It is backed up in both languages, I understand, with electronic tapes, and through Hansard as well. It seems to me that we should take a look at all the paper flow with a view to bringing it up to speed.

The reason this is important to me is that I was pleased to serve for a year as chairman of our caucus environment committee. One of the things that came out of that committee and others was—I think a lot of people are saying the same things—that we are starting to have recycling boxes around for paper and newspapers and tin cans. The blue boxes are here; that type of thing.

I think what we should be aiming at for the Legislative Building here in Ontario is that it be a model for other offices, particularly government offices, to follow, because now that I am out in the ministry I know that even things we have done here are lagging in the ministries that I visit and in my own ministry. They are doing the same thing now. The containers are coming into place in just this last month or two and we are getting up to speed in that kind of thing. I have no idea what the paper costs are here, but they must be horrendous. I think it would be really good at this point in time, with whatever mechanism is available to you, to review that whole reporting aspect of the House with a view to conserving paper as much as we can.

Then the second aspect of it is procuring recyclables and that kind of thing as those things come into play as well.

My question is if that kind of review is possible, first of all, and if it is possible I think it would be a good idea to do it about now. We have had TV in the House long enough so that this whole reporting aspect could be reviewed.

Clerk of the House: Actually, yes, that is very apropos, where your question falls. We are looking at that right now. One of the things that struck me when I arrived here close to four years ago now was the difference in usage that is made here of the written Hansard. Where I had spent a long time before, in Ottawa, the printed Hansard is a document of extreme importance and it is produced overnight in both languages. If for some reason it is not on the members' desks at 9 o'clock in the morning, the Speaker will make a point of explaining this to the House before the House opens and give the reasons why Hansard has not been produced overnight. It very rarely happens. Every day members refer to the previous day's Hansard. It is a document that is very alive.

What struck me here is that the printed Hansard really does not have that usage. You do see the printed word quoted, but most often I notice that politicians use it about 10 years down the line when governments have changed and it is sometimes interesting to compare what people have said on both sides of the aisle. But I have noticed that it does have that use. The other thing of course, as you say, is the electronic Hansard that is fully available and so on. It is a very useful form of Hansard and a very complete form of Hansard as well.

Now I think the written Hansard will always be of necessity. I did think at a certain time that maybe it would be possible to—I think that would be extremely difficult—do away with a written form of Hansard. It used to be that in this place a complete set of bound Hansards was made available to all the members. We have done away with that because most members did not want them and they were very expensive to produce. If members are still interested in having a collection of bound Hansards, we leave it up to them. We tell them: "Collect your

Hansards and have them bound yourself. In that way you can have your set to bring home," and so on, but we do not produce it any more ourselves. So we have cut there.

The other thing I think we want to look at now is whether we want to continue here producing the formal printed Hansard in the way we know it today. This is not a decision that, in quotes, administration and the Speaker would take alone. This is a decision that we would consult on and we would come probably to this committee to find out the opinion of this committee.

This is one thing we are working on right now, to find out where we could cut, if possible there, and maybe the solution is to increase the quality of what is known here as Instant Hansard. Maybe that is all that is required. I do not know, but you will be involved in a consultation process very shortly on that.

Mr Farnan: I would like to add my name and the New Democratic Party to the canonization process for the Clerk of the House—

Clerk of the House: What is it they say about Mr Nixon?

Mr Farnan: —and also to support what was said about new members. As a new member I also felt very appreciative of the help that I received from the entire staff. I still consider myself a new member. As recently as this week, I was getting advice on the proper wording of motions and so forth. It really is splendid.

I just want to make one comment about the conversation that took place concerning the decision of my colleague, Mr Brebaugh. I am glad to see that the concerns of the committee were with regard to process, that members of the committee recognize my colleague as an honourable gentleman who is acting out of a matter of principle. That is something that none of us as members would want to detract from. We are very proud of him and we know that he is certainly held in high esteem in all quarters of the House.

1600

The Chair: Are there any further comments or questions with regard to the Clerk? If not, thank you very much for coming before us. I just want to add my thanks to those that have been expressed earlier for the excellent work that you and your staff are doing. I know that I worked on a report this morning until 2:30 or 3 o'clock with some of my colleagues on the select committee on constitutional and intergovernmental affairs. The clerk was here working quite late and was back here this morning again after having got a few hours of sleep, so we very much appreciate her efforts as well as those of all the others on your staff. I just wanted to mention that.

Clerk of the House: Thank you, Mr Chairman, and it would be a pleasure to come back any time you so wish.

The Chair: There is another question.

Mr Campbell: I have just a short question. There is a new gentleman who is sitting at the table with you. Where is he from?

Clerk of the House: Doug Schaverte is a clerk assistant in the Northwest Territories. We have a program here in the Clerk's office which we refer to as the attachment program where we invite colleagues from the Commonwealth actually—they sometimes come from foreign countries—to sit at our table. It is part of a training program. We call it our attachment program. Mr Schaverte will be here until the end of next week.

Mr Campbell: I knew that was the case, but I felt that program should be on record somewhere. You should learn to sell some of the things you do and that is why I asked a leading question, as my legal colleagues would say.

The Chair: I also want to commend him for coming at the right time of the year, because we would not want him to come in the winter.

Mr Kerrio: I thought maybe the reverse was true. I thought he would stay up there where the fishing was good and get down here when it was a little warmer.

The Chair: Members, we have one other item that is not on the agenda. I just want to draw your attention to a copy of a letter that you received, which was addressed from the Speaker to me, regarding a number of items. Although we do not want to discuss that today, I want to alert you to it and make sure we have an opportunity to discuss it next week.

It concerns three items. One is the broadcast communication for deaf persons. One is the use of props in the House. The third item is with regard to proper attire for members in the House. If you have any questions or comments on this I would entertain them now, but we want to definitely make sure that we discuss this at some length next week.

Mr Campbell: Just to make members aware, it was felt that we got this reasonably late and there should be a number of other opportunities to discuss, perhaps in your caucuses and ours as well, if there were any other comments they want brought forward. That was why it was thought we could delay for a week the full discussion of these matters, if that is appropriate with the rest of the committee. It was just to do it in

that way so that next Wednesday we could deal with it and you could have a chance to consult with other members. Since this is the Legislative Assembly committee, we try to have wide-ranging deliberation within our caucuses with other members.

The Chair: If there are no further questions or comments, I will take the liberty to adjourn this meeting and we will be back again next Wednesday.

Mr Farnan: If the House is breaking—

The Chair: The House will not be breaking next Wednesday. It will not be breaking until Thursday. We could make some recommendations that would then be put in the orders and could be at the disposal of the Speaker when they come back in the fall.

Mr Farnan: It just strikes me as pretty tight. Next week is going to be very heavy in caucus, and how the caucus can give any reasonable amount of time to this I do not know. I have not raised this issue with my caucus at this stage. I appreciate your reminder, but I cannot foresee getting a lot of time to discuss what appear to me to be fairly important issues.

Mr Campbell: Just by way of explanation, that was precisely why we felt we should delay it as long as we could, which was next Wednesday. That is the best we could do, unless of course there is a summer schedule and we can meet at that time. But I think it should be at least looked at in some preliminary fashion, if that is a desire.

Mr Farnan: We will do our best.

The committee adjourned at 1607.

CONTENTS

Wednesday 20 June 1990

Semi-Annual Review: Clerk of the House	M-85
Adjournment	M-88

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Chair: Epp, Herbert A. (Waterloo North L)
Vice-Chair: Ray, Michael C. (Windsor-Walkerville L)
Breaugh, Michael J. (Oshawa NDP)
Brown, Michael A. (Algoma-Manitoulin L)
Campbell, Sterling (Sudbury L)
Cureatz, Sam L. (Durham East PC)
Eakins, John F. (Victoria-Haliburton L)
Farnan, Michael (Cambridge NDP)
Johnson, Jack (Wellington PC)
Kerrio, Vincent G. (Niagara Falls L)
Sullivan, Barbara (Halton Centre L)

Substitutions:

Elliot, R. Walter (Halton North L) for Mrs Sullivan
Polsinelli, Claudio (Yorkview L) for Mr Ray

Also taking part:

DesRosiers, Claude L., Clerk of the House

Clerk pro tem: Manikel, Tannis

Staff:

Yeager, Lewis, Research Officer, Legislative Research Service



M-9 1990



M-9 1990

Legislative Assembly of Ontario

Second Session, 34th Parliament

Official Report of Debates (Hansard)

Wednesday 27 June 1990

Standing committee on the
Legislative Assembly

Speaker's concerns

Chair: Herbert A. Epp
Clerk: Deborah Deller

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

Assemblée législative de l'Ontario

Deuxième session, 34^e législature

Journal des débats (Hansard)

Le mercredi 27 juin 1990

Comité permanent de
l'Assemblée législative

Divers sujets présentés par
le président



Président : Herbert A. Epp
Greffier : Deborah Deller

Publié par l'Assemblée législative de l'Ontario
Editeur des débats : Peter Brannan

Languages in Hansard

Hansard reports all debates in English or French as spoken by the participants. It does not translate remarks made in either language. Headings and tables of contents reflect language use.

Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Notice to Subscribers

Subscription information may be obtained from: Sessional Subscription Service, Publications Ontario, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, Ontario, M7A 1N8. Phone (416) 326-5310, 362-5311 or toll-free 1-800-668-9938.

Langues paraissant dans le Journal des débats

Le Journal des débats rapporte en anglais ou en français les débats, selon la langue utilisée par les participants. Les remarques faites en l'une ou l'autre langue ne sont pas traduites. La langue des en-têtes et de la table des matières reflète la langue utilisée.

Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 965-2159.

Abonnements

Pour les abonnements, veuillez prendre contact avec le Service d'abonnement parlementaire, Publications Ontario, ministère des Services gouvernementaux, 5^e étage, 880, rue Bay, Toronto (Ontario) M7A 1N8. Par téléphone : (416) 326-5310, 326-5311 ou, sans frais : 1-800-668-9938.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday 27 June 1990

The committee met at 1610 in room 151.

ORGANIZATION

The Chair: There are two items before we get into the agenda. The first is that we are going to change broadcast communication for deaf persons to the third position because Mr Johnston of the New Democratic Party wants to come in and speak to this, and in order to accommodate him, we will address that last.

Second, following this meeting we will have an in camera meeting regarding another matter.

USE OF PROPS IN THE HOUSE

The Chair: If I might ask the clerk to give us some information regarding the use of props in the House, this is following the letter that the Speaker sent me, dated 3 May 1990. We also had some correspondence regarding that from Yvonne O'Neill from the standing committee on social development. So we will ask the clerk to go over some information that she has for us regarding the use of props in the Legislature.

Clerk of the Committee: First of all, I would draw committee members' attention to a letter that this committee sent to the Speaker on this issue on 14 November 1989 relating to a meeting we had on 8 November 1989, where we in effect said that the Speaker should be allowed some flexibility in determining whether certain displays should be allowed in the House and that there were no firm guidelines.

After he wrote back, I checked with other jurisdictions, and you have that paper in front of you. In most instances, the Speaker rules as he sees fit. There are certain exceptions.

In Alberta, according to precedent, the Speaker has ordered the removal of some displays previously and because of that he has authority to order the removal of displays again, as he sees fit.

In Saskatchewan the rules are strict. Members are not allowed to wear displays. In other words, they are not allowed to wear T-shirts, they cannot wear hats, they cannot point to anything like a sign and they are not allowed to hold up papers or books, mostly for the benefit of television.

The only other area where there is some strictness in terms of the rules is the Yukon, where in the past the Speaker has ruled against members being able to hold up displays in the House.

In Ontario we have a standing order that only says, "The Speaker shall preserve order and decorum." In addition to that, Beauchesne, in his Parliamentary Rules and Forms, in the 6th edition, says that Speakers have consistently ruled that it is improper to produce exhibits of any sort in the chamber, and then he cites the flag debate of 1964 as an example of that.

The Chair: We have had a chance to get some information from the clerk regarding other legislatures, and some of you have comments and questions.

Mr Campbell: First of all, if we are going to get into the idea of using props, I think it is going to get out of hand,

because I do not think there will be any way of ruling one in order and the other one out of order. I think we are in a position where we are either allowing them or not allowing them in any way, shape or form. I know that would not be helpful to certain members of the Legislature who enjoy that practice, but I think the Speaker will not be able to rule specifically one in order and one out of order. I think he has tended in the past to try to limit that kind of display. If it is supported by the other legislatures in this country, I think we should be consistent.

Mr Cureatz: Speaking as one who has had the opportunity of using such props—but I assure you it is not coming from an unbiased position, because we had discussed this matter in our caucus on Tuesday at some length—I was given authorization to inform the committee that our caucus feels very comfortable to date in terms of what has been taking place.

I can only remember when I was first elected, now 13 years ago, Mel Swart had come in with some toilet paper and chickens, displaying some anxiety about whatever those paraphernalia pertained to. So there is a long-standing precedent, but as anxious as the Speaker is and as frustrating as I am sure he does find it from time to time, especially during the auto insurance debate and Peter Kormos and phone numbers, I thought generally he handled that quite well. It seemed to have the reception of all members, including Mr Kormos—or was it Mr Runciman, I guess—in terms of phone numbers.

In any event, our particular caucus felt comfortable at what has been done to date. That is not to say we are also condoning the split-screening, which I guess is another issue, but in terms of props and dress, generally the caucus felt comfortable that nothing was overly out of order and that the Speaker handled it all quite well. It would be better to have flexibility than try to then wind up having pages and pages of what should or should not be allowed.

Mr Callahan: Dealing with the question of props, certainly when they reach the stage of being outrageous I think they do detract from the decorum of the House, but I think maybe I would be a little concerned about saying under no circumstances, because even in a courtroom one picture is worth a thousand words.

If you are trying to describe something in the House and represent your constituents and it is something that you cannot put into words, as it were, or you cannot get the argument across, I think perhaps what should happen is that there should be a pre-ruling. You move before the Speaker to be allowed to use that prop and the reason for it. Then he makes a ruling as to whether it is appropriate. Under the standing orders, his ruling, of course, is not appealable. If he rules that it is not appropriate, it is not used.

I certainly would not want to foreclose the right of any member here to use it in the appropriate circumstance. Otherwise, I think really what we are doing is muffling the basic purpose of parliamentary democracy that you can literally speak freely. I think in our present technological world, where television is covering the House, the use of a prop under the appropriate circumstances should be there. It should be a discretionary item for the Speaker.

In terms of attire, I think all members should probably recognize that—

The Chair: As far as attire is concerned, I think we will be getting into that later. We are talking about props at this moment.

Mr Campbell, unless Mr Johnston had something, you have already spoken.

Mr Campbell: I realize that. I did not see any other hands up.

The thing that concerns me is that I was a recipient of one of those phone call placards. While I did not get any calls, I know that in the past, in other circumstances, indirectly statements have been made regarding phone numbers and inadvertently the incorrect phone number is given. That causes a lot of grief for a number of people.

1620

I do not think I make my point when I say we did not get any calls when those placards were up with my number on them, and I am not saying for that reason that I think we should be dealing one way or the other with placards, I am just saying that I think when you get into some of these areas, you are going to find that sometimes some people may be inconvenienced very seriously because inadvertently the wrong number gets out.

I know that a local newspaper in my area has stopped printing companion ads because inadvertently the misprint phone number caused a lot of grief for somebody getting very strange phone calls.

I think that is respect of privacy on that aspect of phone calls. I think we are going to find, if we do not limit or rule appropriately, that it is going to increase or perhaps cause problems for the Speaker to maintain decorum, and also for the Speaker to have to increasingly try to set precedents.

The Chair: I think Mr Eakins is next, but before we go any further I should just point out that under the present rules the Speaker has the authority to ask people not to do this, to have the proper decorum in the House and not to use these exhibits and so forth. What he has done in the past is that he has been somewhat lenient with regard to it and he has permitted it, although there are people who are questioning whether he should permit it or not.

There are two items that I want to draw your attention to. One is that some years ago a member came in and was trying to test the security of the House—members are not searched when they come in—and he brought a real gun into the House and tried to prove that there was not any security to prevent him from doing it and then he displayed it in the House.

Yesterday, another member brought in two replicas and tried to show that they looked something like a real gun. Everybody already knows that replicas look like real guns. Otherwise, why would you have a replica? He was trying to show that it was a real-looking gun and it was not something that was just carved out of a branch of a tree.

You get those kinds of things, which many members would consider to be a real abuse of their privileges in using props and so forth in the House.

You have to look at the other aspects. If you are going to permit some, are you going to permit them all? Are you going to permit somebody to wave a gun around in the House, and then he is going to argue that is the same as a sign or something? You have to look at the whole thing. I ask members to

look at the extremes too when you are looking at whether they should be permitted or not.

Mr Eakins: I think it is rather unfair to place the total responsibility on the Speaker's discretion as to what is the proper form of prop to be used. On many occasions in my 15 years here I have witnessed props which were very effective and helped to tell the story that the member was trying to get across, but I have also witnessed when it is carried to extremes, and I think in doing so it takes away from the decorum of the House. I think we have to remember that the decorum of the Legislature is very important and should be a very priority with us all.

In my view, we should put together some guidelines that will help the Speaker in making that determination. I am not just sure how that might be done. Rather than leave it open that the Speaker could be criticized for approving one and not another, I think there should be some guidelines, and I think you have referred to the fact that the members do have privileges here and those privileges are very seldom interfered with. So I think we have a responsibility to firm up some guidelines and narrow the scope down to what might be an acceptable type of prop to be used. I do not think it should be a wide-open, come and do as you like type of thing, because that takes away from the House and I could not support that.

Mr Callahan: After listening to you, Mr Chairman, about the fact that someone can bring a gun into the chamber, which is probably very dangerous, but in light of experiences in other Legislatures, who knows, it might result in someone getting a little excited.

I have read Beauchesne, which of course goes back to probably about the 16th century, when they did not have television and they did not have demonstrative evidence and in the courts they probably did not allow anything either.

Maybe the way to do it, as a middle-of-the-road arrangement, would be that if someone genuinely believes that to effectively communicate it to the public or to the members his speech requires the use of a prop, maybe there should be some way of applying before you enter the House, either to this committee or to the Speaker, to obtain permission to do that so that everybody knows you have the prop on you and you take it in.

I can think of a classic example. I think during the last session of the Legislature there was a particular toy that was on the market that was very dangerous for young children, I believe. It was very important for the member—I cannot remember who it was—that this be brought to the attention of the Minister of Consumer and Commercial Relations. I think the net effect of it was that the toy was withdrawn.

Who knows; maybe that member, by his or her actions, saved the life of a child. I think without that toy being displayed on television and perhaps people watching it—maybe that is making a rather large assumption, that our audience is so massive—but certainly the press watching it in the press gallery would consider that to be a matter of considerable importance. I believe there was wide coverage carried in the newspapers.

I understand what the other members have said, that first, the decorum of the House is absolutely essential, because once it loses decorum it loses control and we are liable to have Cromwell marching in there pretty soon to retain order. In addition to that, if we leave it carte blanche that anybody can produce anything, then that is not the best arrangement.

So I wonder if we could consider a midway point where the Speaker perhaps, on application to him in his chambers before the House sits, could approve or disapprove the use of a prop if

it was explained to him why it was being used. To be used for any other purpose would be inappropriate.

The Chair: Do you think that there are any kind of criteria that we could draft for that purpose, or are you suggesting that, barring special circumstances, no props be permitted in the House, on permission of the Speaker?

Mr Callahan: I hate to equate it to that of a decision a judge would make in allowing a counsel to show something to a jury. For instance, in the past, in a motor vehicle case where someone had broken his leg and it was necessary to show just what the break was, you could employ that. You could not go to the extremes of people like Melvin Belli in San Francisco, where during a trial he went through the entire trial with this article that was about three feet long wrapped in a green garbage bag and the object of this case was that some fellow had lost his leg in a motor vehicle accident. Of course the entire jury, through the entire trial, had their eyes affixed to that thing on the table, expecting that that was the leg of the person who was the victim. It turned out it was a prosthesis.

That is the type of thing I am saying. The courts have held that it has to be something that is required to demonstrate your point and get it across and not be something that is used in a frivolous way or just to inflame the other members of the House. Maybe that is the direction we could use.

Mr J. M. Johnson: I cannot agree with Mr Callahan with putting the onus on the Speaker to approve it beforehand. He might just as well do it from his chair. I like this idea of the Senate. It has never had a problem, since everyone in the Senate is very level-headed. Does that indicate that we have a bunch of squirrels here? I think it has not been all that bad in the past. I would like to be supportive of the Speaker if there is anything that we can do to support his ruling.

I personally feel that if the props are used in a common-sense approach and are not too vulgar or loud and do not distort the parliamentary procedure, I cannot see that they are all that bad. I would hate to see the day that they could take something across their desks and have all kinds of displays and wear whatever types of clothing that could be completely not acceptable in the Legislature. We surely should have some respect for the institution and not demean it by cheap tricks.

I would like to see it left in the hands of the Speaker. If he feels at some time that there is an abuse and it has to be addressed, then it could be sent to this committee to review.

1630

Mr Cureatz: I am sympathetic with Mr Callahan's approach. The problem that I do have is, I know when you are sitting in the chair, the spontaneity of the issue that takes place with the member who is using the prop has different effects at times in the House. Sometimes it is a "who cares" kind of thing, at other times it does make its point and at other times it has been of concern, as Mr Campbell has brought out.

So I am hesitant about the pre-ruling business. I am more supportive of the Speaker using his good judgement at the time something is happening. I do not know how actually the Speaker evolved, because he did finally make a ruling and the phone number business did change. Someone, obviously another member, went up to him, and I think that is legitimate, and said, "Wait a minute, how far does this go on?" I think that is the way it should be handled.

It was Kormos; for some reason, I keep thinking it was Runciman who did the phone number business.

Mr Campbell: He did.

Mr Cureatz: It was Runciman? Okay. Runciman never came to me after and said, "Wait a minute." Some members have from time to time sought direction from me about particular thoughts and issues on how to combat the Speaker's ruling, but he took it all in good stride. There seemed to be common sense in terms of the Speaker's ruling.

That is why I am hesitant on the pre-ruling, because you do not know what the effect is going to be anyway. The Speaker can sort of take a reading of the chamber right at the moment and say: "Wait a minute, this is a little rough. Everyone seems to be outraged about it." On the other hand, he looks around and says: "No one seems to be paying much attention. It's just Sam again. Who cares?" and carries on. I am still a little supportive of allowing the flexibility. It is a problem with the Speaker, I am sure, but whoever is the Speaker after the next go-round, I am confident.

The point also is that I wrote a paper a long time ago, the first time I was Deputy Speaker, and among other things I said in the paper was that the rules of procedure should reflect what we, the members, are doing anyway. So if you think you are going to be able to put some kind of guidelines down about this, that and the other thing, about props, I tell you, they will be coming in. I can remember sitting in the chair when members would continually stand up on points of order that were not points of order. They would just blab on.

Mr Callahan: They do not do that any more, do they?

Mr Cureatz: No, it is not as bad. Do you know why? Now they have a one-and-a-half minute time frame at the beginning of the House. That alleviates all that nonsense when I used to go in the chair. Who was there, John Turner, in those times? Turner was really strict with them. He would not allow anything. But I sat there and I thought: "If they want to do it, let them do it. What the heck." So the member talked for a minute about it being Apple Day in Brighton or something.

In any event, the members are going to do it in some form or fashion, so our standing orders should reflect what all the members do. That being the case, I think the allowance of props should continue, although we should have strict support for the Speaker to evaluate the effect it has on the House and whether it should or should not be used again, or continued.

I could understand the phone number. I was not comfortable with that either. I could see a one-shot deal, as Bob is pointing out, a courtroom dramatic gesture. But then getting into a speech kind of thing where there was a continual prolongation, I must admit—and I am glad the Speaker ruled on that.

Mr Callahan: I support the Speaker having discretion. I thought, though, that the Chairman's comments made a lot of sense. If you leave the rules so wide open that somebody such as that member can bring a real revolver into the House, or one of the members recently bringing two replicas in that certainly looked very much like real guns, I think that is a little dicey. I think that could result in somebody getting hurt. The security people around here are trained to make certain that we are safe. When they see something like that, they have to wonder what is going on.

I support the Speaker's discretion, but I think the difficulty you put the Speaker and the Deputy Speaker in is that they are supposed to be totally independent and non-partisan. I can recall the insurance debate with the telephone numbers. We have to realize that it is important that if the people who are viewing this—the old adage about justice being done as well as

appearing to be done—were to see the Speaker rule to let one person put the telephone numbers up and then make a ruling 10 minutes later that the next person could not do the same thing, I think the people would begin to wonder whether the Speaker is playing it fast and loose with one party versus the other. I think that in effect weakens the independence of the Chair.

He has asked for guidelines. I do not really know how you could create guidelines that would fit every circumstance. Obviously there has to be a discretion and that is why I said that if it were a pre-ruling, then at least everybody knows in advance what is going to be pulled out of the bag, as well as security. I think the rules are a little more certain that way.

I know it is going to mean extra effort on the part of the Speaker, but that is what his job is really. He makes that decision either on the floor of the Legislature or he makes it pre-Legislature. If all members agree that he could make it pre-Legislature, why should we put him through the ignominy of doing it on the floor of the House?

In addition, in terms of decorum, it makes us look pretty silly at times, when somebody pulls out a can of spaghetti or, I hate to say this, a seagull. We have people watching this assembly and beginning to wonder: "What are the criteria for getting elected? Do you have to be a little bit of a comic?"

I think this issue has never been reviewed post-television. I guess this is the first time it has been reviewed post-television. All three of the issues that are being discussed today have very significant implications in terms of television, decorum, the dress you wear, the fact that we do have people watching television who have various disabilities that have to be addressed.

Maybe this is a first time and maybe we are going to have to view it in terms of overall decorum, not just here but as to what the viewing public think of us, and make those decisions in light of the technology of today.

The Chair: I am going to let Mr Eakins speak and I would like to also deal with some of the other things. Then maybe we can decide later on what we want to do with some of these things.

Mr Cureatz: How late is later on?

The Chair: Later on this afternoon.

Mr Cureatz: I have to leave now, unfortunately.

I think with the events unfolding, with the possible election, etc, just for my little two cents, there are some big areas of disagreement. I disagree with Mr Callahan. Although I agree with him, I have never thought of it in terms of post-television. I think he is right there, but in terms of individual members' methods, his method of getting elected is no better or no worse than anybody else's. I feel very uncomfortable about, how do you prejudge about the manner in which an individual should act because someone is watching on television? Let the constituents decide at some future point.

But for my little two cents, I do not think you should decide today. I think there should be a subcommittee or when the new committee is struck. I think, Bob, that maybe there should be public relations people hired or something and say, "What do you think?" I do not know. I am just sort of throwing out some ideas. But I am very sympathetic with your concerns about the post-television thing and I think you are right.

I never thought about the guns. When I saw the guns, I thought, "Oh, well, it's just Mike." We all know Mike. On the other hand, the security guys up there say, "We don't know Mike."

The Chair: "We don't know they are replicas."

Mr Cureatz: Yes, that is right. I must admit that is interesting.

1640

The Chair: We will keep those comments in mind, and I think your particular comment with regard to maybe leaving it for another day before we decide. I know the NDP members are not here today at this point and they have not had a chance to speak on it and report whether they have taken it to caucus, and I know the Liberals have not had a chance to take it to caucus, but I did think we wanted to have a chance to air it. We will hear Mr Eakins, and I do not think we will make a definitive decision on this today.

Mr Eakins: Mr Chairman, I have to leave in a moment too, but I simply want to say I would not want to interfere with the general discretion of the Speaker. I believe, in my experience, we have a responsibility to provide some options and support to the Speaker, and I would certainly support, in the next while, looking into some options that we might consider. I am sure it is a topic we are not going to resolve today, but I think we should be looking at what those options might be and providing support to the Speaker to provide the discretion that he would exercise.

I certainly agree. In the years when I first came into the Legislature, I do not believe they were allowed to even record within the Legislature for radio in fact, so a lot of changes have taken place. We were here when they took the first shots for TV and so we see a change in the House with regard to props because of the use of TV. I really feel we have to—not interfere with the Speaker—but I think we have a duty to support him with some options that we might look at.

Mr Campbell: To wrap up, and not remove any prerogative of wrapping up, perhaps we can look at our terms of reference for the next meeting, because I believe the Speaker would like to have some guidelines from this committee and I think it is our job to do that. At our next meeting, whenever that is, first, this should be on the agenda, and second, we can consider the telephone number issue. I am really concerned that inadvertently the numbers will get mixed up and other people will get calls they are not intended to.

Then we can rule on cause buttons and stickers or banners, and if you look at the screen up there, the legislative one, I propose, to help the Speaker out, that we limit the prop or sign to the size of the TV screen on that shot. You can see it is a single shot of the member for Nickel Belt on there now.

What I am afraid of is that at some point you are going to get four or five members each sort of holding up a sign, and I think that just gets a little much. But I think, if you look at the screen there, that is one we can consider, that that be the maximum size allowed, so that it does not get out of hand.

The Chair: About 10 inches by 10 inches.

Mr Callahan: Does it vary with the size of the member?

Mr Campbell: No. It would be a head-and-shoulders shot in any size or shape or form of the member, and that would at least limit the fact that somebody may troop in with a whole caucus of 20 or 30 people, all helping the member hold up a sign. I think that is getting carried away, but maybe we could consider that kind of limitation for now and give the Speaker some parameters.

Mr J. M. Johnson: Yes, I am a little concerned about this summary that Deborah has prepared for us. If you take a look at the Yukon, it says in standing orders, "Every member desiring to speak is to rise in his place uncovered."

Mr Callahan: Un-what?

Mr J. M. Johnson: Uncovered.

Mr Callahan: What do you mean by that?

Mr Campbell: I move we go to British Columbia to study that.

Mr J. M. Johnson: This is the Yukon.

Mr Campbell: Oh, the Yukon. I am sorry, yes.

Mr J. M. Johnson: Anyway, in many of the others, Prince Edward Island, New Brunswick, the Speaker rules as he sees fit. I feel we should support the Speaker and indicate that we do understand the problem. Many of the ideas that have been thrown out are sensible and with common sense. If someone abuses the privilege, the Speaker should so rule, and we should support the Speaker's rule.

The Chair: Going back to what Mr Campbell and what all members have said, first, we should keep in mind that the subcommittee—should this go to the subcommittee?

Mr Campbell: So moved, Mr Chairman.

The Chair: Second, maybe before it goes to the subcommittee it should go to the caucuses, because we know of one caucus that has had the opportunity to discuss it. We are not sure of the other two. So they should discuss it and they should try to draft some kinds of guidelines for consideration before the committee and they should come before, hopefully, the next meeting of this committee.

Mr Campbell: Agreed.

The Chair: Is there anything further with regard to this topic that you wish to discuss right now? If not, that would go forth as a recommendation for the next meeting, whenever that will be.

PROPER ATTIRE FOR MEMBERS IN THE HOUSE

The Chair: Item 2 is proper attire for members in the House. The Speaker has had some difficulty with this from time to time. There have been some members who have been in there without their ties on and so forth, and I am not talking about the ladies, and other people are wearing T-shirts and open shirts and so forth. Without trying to speak for him, I think the Speaker feels that this may not be the attire that most members would prefer, if they were to vote on it, as the kind of attire that they wanted to wear in the House.

Sometimes members have taken off their coats, their jackets, when it has been extremely warm in there and I do not think anybody has really frowned on that, but it is the fact that others have been quite informal about the whole matter. There is a feeling that it is not a country club, it is the Legislature. So if we want the country club atmosphere, then we go along and have the very country club attire. If you want the Legislature and you want some kind of proper attire, then you should have some guidelines. That is what we are talking about here. Are there any comments with regard to that?

Mr Callahan: I think you have put it in a nutshell. In fact, many of us have been down to the United States and

Washington and you would never see someone on the floor of the Senate or the House of Representatives without a shirt and tie on. They may have their jackets off if it is a warm day. People seem to look at the US as being the avant-garde, moving farther away from the traditions of the parliaments from which we have all come, and one would think that if they have not moved in that direction, certainly we should not be moving in that direction.

Finally, and maybe it sounds a little stuffy to say this, but I think really when you start letting down on things that have become a tradition, let's say, then the rest of the things follow, the outrageous props, the next thing and the next thing, and pretty soon you have lost control. When you think about it, there is only one man or one woman in there, whoever is the Speaker, who has to control that entire Legislature. Sometimes people can get a little hot under the collar, and I think by letting things down like that you are weakening the whole process. That is all I am going to say.

Mr J. M. Johnson: I support Mr Callahan. It seems rather foolish when you have the Speaker dressed up, the clerks in dress attire, you have the parade—it is a very impressive ceremony—and then have members sitting there in T-shirts with slogans on them. It is totally disrespectful. Surely we can have some proper dress attire. I do not think it has been abused very much in the past, but I would certainly be supportive of the Speaker's having the right, if nothing else, to refuse to recognize a member who was improperly dressed.

The Chair: I think if we do something, if this committee or its successor does something on it, what they are looking for is some directive from here to say this is what the members should or should not wear and the Speaker is asked to enforce that, as opposed to leaving everything up to the discretion of the Speaker.

Mr Campbell: With all due respect, I think we changed the rules when we were elected, for example. It used to be a tie and jacket in this place and very formal. Those rules had to be changed by custom, and I think that is appropriate.

I also think there will be people elected to this Legislature at some future time whose formal national dress is not the same as ours and I think we are going to have to recognize that their formal national or business attire is different from ours. With that understanding, I would support all that is being said, but with the caution that as things evolve here, I think we have to take into account that that jacket and tie do not necessarily mean business attire for all our ethnic minorities.

We sometimes have to start thinking about minorities and how they perceive things. I think it is important that their points of view be part of this process. That is why I think, since it will evolve, that perhaps the Speaker with his very eminent common sense will make those rulings at the appropriate time. I think our comments as a committee perhaps should be sent back to him to let him know that we have considered it and have dealt with it in that manner.

1650

The Chair: We will leave that point. The Speaker will have the benefit of the Hansard on this, and I know his staff are here taking copious notes of what is being said. They are off-camera. They will have the benefit of your comments. What we will do then is also ask the clerk to put this on the agenda at the next meeting so that we can maybe get some more information on it and discuss it a little further.

I was hoping that the member for Scarborough West would be here to speak on the first item. We are going to recess for about five minutes while the clerk tries to locate the member for Scarborough West so that he can speak to item (a) on the agenda. We will adjourn for five minutes to try to accommodate him.

The committee recessed at 1652.

1701

BROADCAST COMMUNICATION FOR DEAF PERSONS

The Chair: I call this committee meeting to order. We have the one item. Unfortunately Mr Johnston is not able to get back, but we are going to discuss it briefly. This has to do with broadcast communication for deaf persons.

As you know, in Ottawa you have a split screen where you can see the sign language for those who cannot hear. The other thing is that often what people do is have a device at home whereby they can have that communication. That is what many people have been using. We have the option of going to the split screen. When the members discussed this some time ago when they brought in television in the House in 1985-86, they decided not to bring in the split screen.

What we should maybe do is review that decision. There may be some notes on it. I do not have the benefit of that at this point, but what we probably should do is get the benefit of those notes and transcripts of the discussion of the committee and then go on from there and decide whether you want to go to the split screen in the future or not. In the meantime, let's hear the comments of the members.

Mr Campbell: Mr Chairman, in your own case and in other cases of members who have had tributes paid to them on their retirement, they have also been used in a box format on the screen. I do not know if the Speaker would be raising that question with us because I do not think that is common practice, although I agree with it. I think it is a very appropriate use of our television broadcast service. I think that may be questioned in the future by the Speaker.

I think the whole thing should be reviewed as to what television special effects can be used for the home audience that are appropriate. Perhaps the steering committee could come up with some suggestions to the committee for the next meeting, whenever that is. I would so move.

The Chair: Okay.

Mr Campbell: I am not cutting off anybody else who wishes to debate, obviously, but I would make that motion.

The Chair: The recommendation is to send it to the steering committee for discussion and debate.

Mr Callahan: I agree and I think it is just one more avenue that comes because of the technology. But you get into the question of the two types of sign language, as I recall, American sign language, and what is the other one? I guess that should be before the subcommittee as well, to decide which one is to be used. I am not sure what they use in Ottawa.

Mr Campbell: Maybe that could be reviewed.

The Chair: I think it is the standard sign language.

Mr Callahan: It is my understanding from the debates in the House that the young people today are learning a different type of signing. We certainly would not want to provide that

service if for a large section of the hearing-impaired they would not understand or would get an improper interpretation of what was going on. I think that should be looked at. Maybe research can find out just what are the statistics in terms of people who use the two types of signing. I guess the subcommittee could determine how it will select one over the other.

I think it is interesting that we have not gone to that already, because we have certainly provided simultaneous translation and we have provided Instant Hansard. I think it is only fair to those people who want to participate or have a full opportunity to know what is going on in the Legislature that it be made available.

The Chair: Any further comments? If not, the suggestion has come from Mr Campbell that it be referred to the steering committee or the subcommittee of this committee. If there is no dissent on that, we will just assume that will be done and they will study it. In the meantime, the clerk will try to get some information as to the different sign languages that are used in other jurisdictions and the kind of expense involved, things that are related to that item. So the subcommittee will have several items to discuss and bring back to the committee at the appropriate time.

If there are no further items of business, thank you all for coming.

Mr Callahan: We wish you well, Mr Chairman. Very often, we do not get an opportunity to speak with regard to members we have served with. In the House there are only three people who normally can. It has been a pleasure to serve with you. It has only been five years or so, but I wish you well in your future endeavours, as I am sure all the members do. Have a nice summer. We may be out in our track shoes during the summer; you never know.

Mr Campbell: I would like to echo those comments, both for you and Mr Johnson, who I know have been valued members of this House.

Mr Callahan: I am sorry. I should have mentioned Jack too.

Mr Campbell: I feel I have a unique position where two members of my family have served in this Legislature with both of you. I very much appreciate the contribution that both of you have made. I wish you both the best in your future endeavours. Particularly for your firsthand knowledge in this committee and the way we have worked together, I have very much valued your advice and your wisdom.

Mr Callahan: If I might add, I looked over at my good friend Jack Johnson and I have had the pleasure of serving with you as well, Jack. You have always been a gentleman and I wish you well as you retire to your mountain retreat in Mount Forest to become the squire of the community. I wish you well.

Mr Brown: I would just like to add my words. It is a unique situation to be sitting here with five members present, two of them perhaps retiring come this fall, perhaps not. I have found it invaluable to know two people like Mr Chairman and Mr Johnson.

When you come here as I did and Mr Campbell did three short years ago, we rely on people like yourselves to give us a sense of what this place is about and to educate us a little bit about how the place works and what we can accomplish. I can think of no two other people who have exemplified what a member of this place should be than you two.

The Chair: Thank you very much.

Mr J. M. Johnson: If I might just respond, I would like to say that last night I was at a nomination meeting up north of your riding, Bob, in Caledon. The comments were so kind that I decided not to retire.

Mr Campbell: We heard this first and then let's leave.

Interjections.

Mr J. M. Johnson: I said to the press that if they would write those nice things while you are a member, it would be much better. Anyway, I am just kidding. I am not running. I am not retiring. I am just not running in the next election.

I have been here 15 years and that gives me some seniority in my caucus, and one of the perks of having that seniority is demanding the right to sit in the standing committee on the Legislative Assembly. My good friend Herb Epp has been chairing it and also you had a shot at this, Sterling. It is one of the better committees in the assembly. I have served on most of them and this one is as non-partisan as any committee in the Legislature.

It is refreshing to work with people rather than parties and to be able to express your views in the best interests of the people you represent and the members of the assembly we represent. It is a unique experience and it is something that is extremely rewarding.

You, Mr Chairman, make it all worth while. I might say, Debbie certainly lends a lot of support to all of us. So I thank the members for their kind words. I wish you all well in the future.

The Chair: Thank you very much. As Mr Johnson has so eloquently stated, we have had a chance to serve together here

for a number of years. Mr Johnson came in 1975 and I in 1977, and we have served together. Although on opposite sides of the House, we have enjoyed each other's company, enjoyed each other's contributions and respect each other very much. I want to thank him for the tremendous support and help he has given me over the years in this committee and on other committees.

We had a chance a few years ago to travel with the Speaker to Cuba and really got to know each other even better on that trip. I will not tell all tales about Mr Johnson. I say that humorously, because there was nothing that I could not say.

I want to thank all the members on the committee—three members particularly who are present—for the support they have given me. We have worked together closely and I have enjoyed being chairman of this committee. Like Mr Johnson, I am not going to change my mind, but I only wish they had said all those nice things before we decided to quit.

Seriously, though, thank you again. We only make these comments in the expectation that another event will take place this summer, which will mean that a new Parliament will come back in September. Also, I want to thank Debbie, the clerk, Hansard, and all the other people who are involved in the electronic services of this Legislature.

This particular committee, as you know, is charged with procedural affairs, with the orders of the day and so forth, with the standing orders of the Legislature, as well as members' services, so as Mr Johnson has mentioned it is very much a non-partisan role as opposed to carrying the party line into committees. That is a role that is more suited for some people than it is for others.

Thank you again for your support and your help, and I wish everyone the very best in their future endeavours.

The committee adjourned at 1712.

CONTENTS

Wednesday 27 June 1990

Organization	M-91
Use of props in the House	M-91
Proper attire for members in the House	M-95
Broadcast communication for deaf persons	M-96
Adjournment	M-97

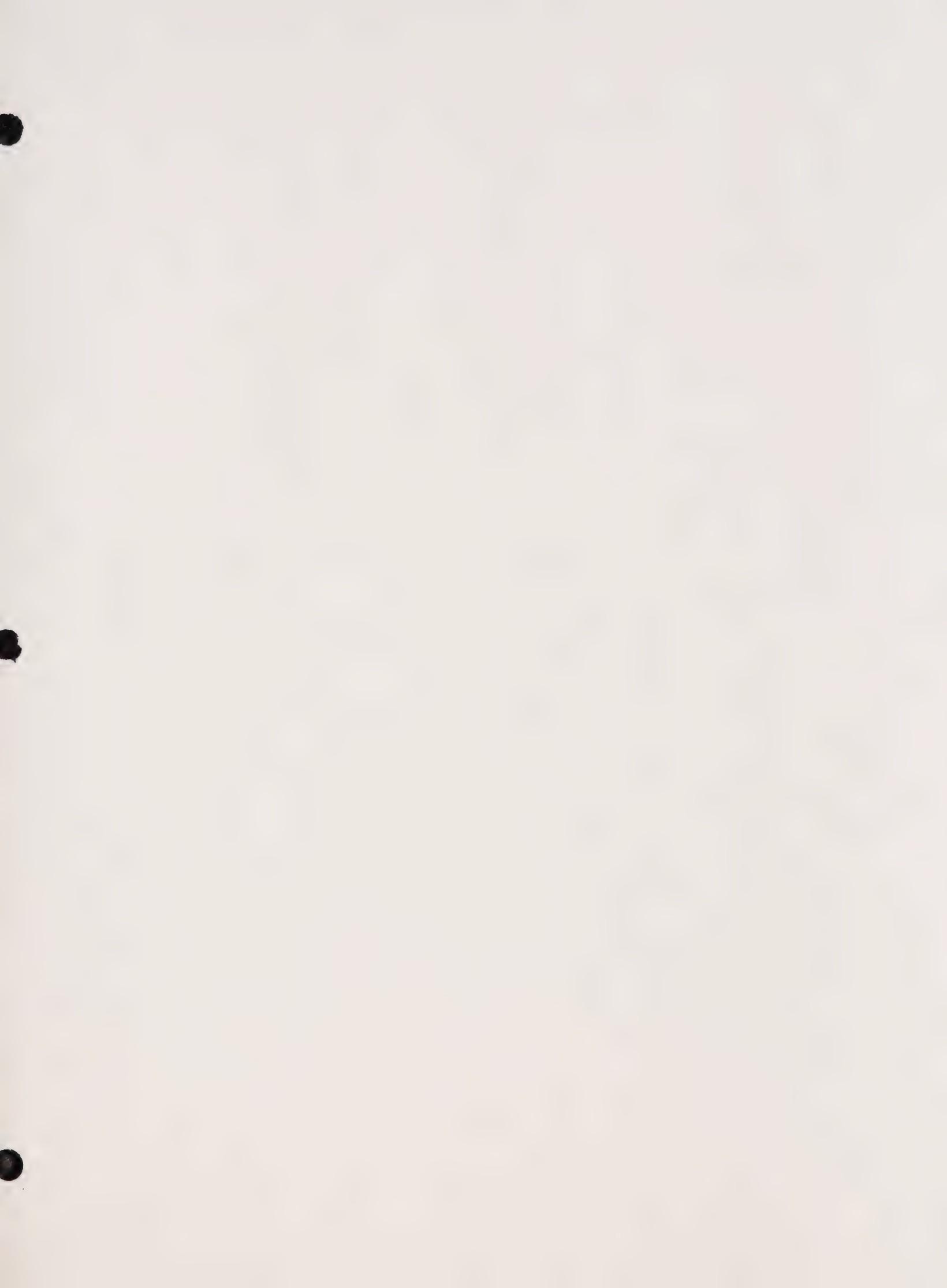
STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

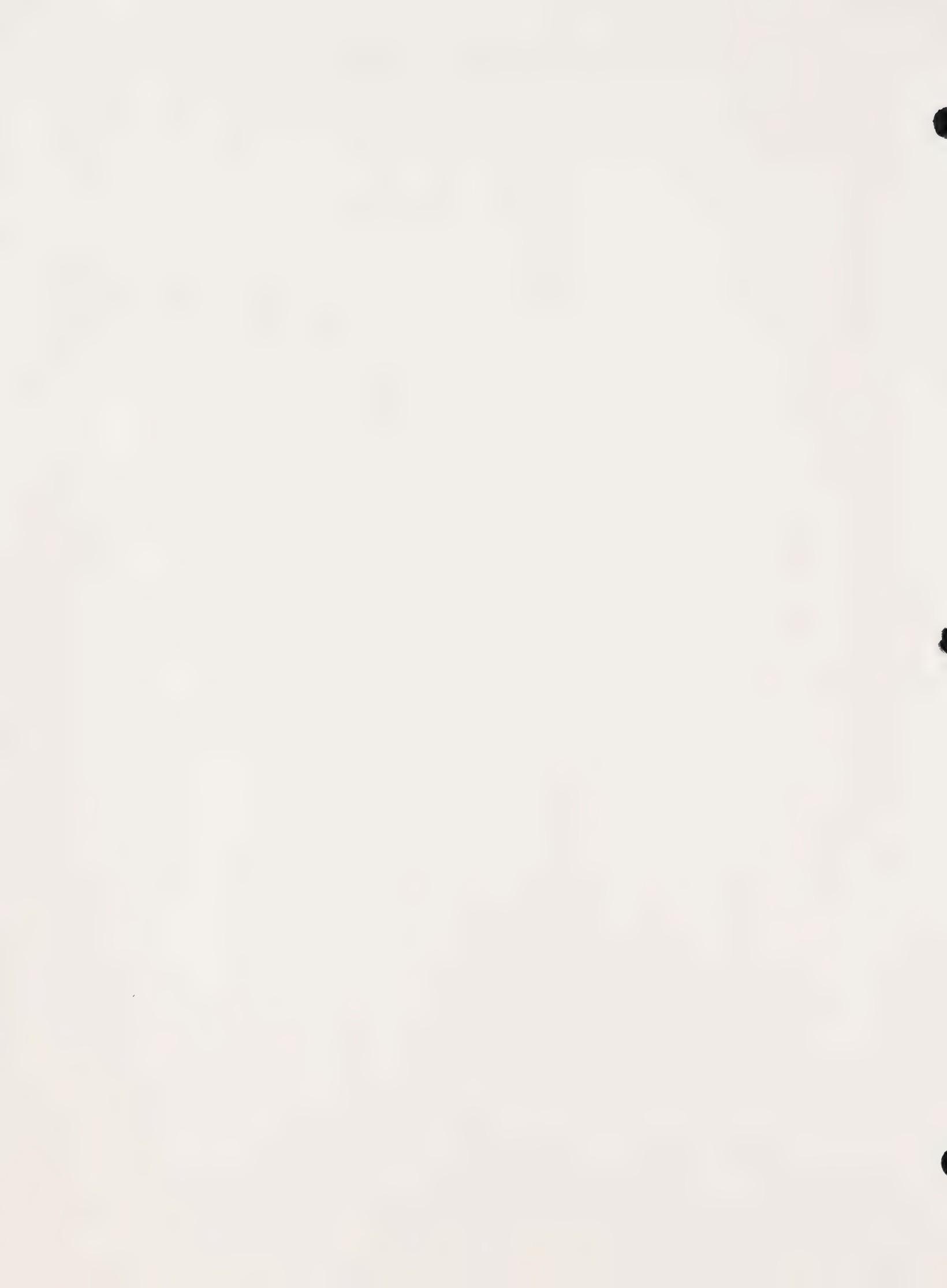
Chair: Epp, Herbert A. (Waterloo North L)
Vice-Chair: Ray, Michael C. (Windsor-Walkerville L)
Braugh, Michael J. (Oshawa NDP)
Brown, Michael A. (Algoma-Manitoulin L)
Campbell, Sterling (Sudbury L)
Cureatz, Sam L. (Durham East PC)
Eakins, John F. (Victoria-Haliburton L)
Farnan, Michael (Cambridge NDP)
Johnson, Jack (Wellington PC)
Kerrio, Vincent G. (Niagara Falls L)
Sullivan, Barbara (Halton Centre L)

Substitution:

Carrothers, Douglas A. (Oakville South L) for Mrs Sullivan

Clerk: Deller, Deborah





M-10 1990



M-10 1990

ISSN 1180-436X

Legislative Assembly of Ontario

First Session, 35th Parliament

Official Report of Debates (Hansard)

Wednesday 5 December 1990

**Standing committee on the
Legislative Assembly**

Organization

Chair: Noel Duignan
Clerk: Douglas Arnott

Published by the Legislative Assembly of Ontario
Editor of Debates: Don Cameron

Assemblée législative de l'Ontario

Première session, 35^e législature

Journal des débats (Hansard)

Le mercredi 5 décembre 1990

**Comité permanent de
l'Assemblée législative**

Organisation



Président : Noel Duignan
Greffier : Douglas Arnott

Publié par l'Assemblée législative de l'Ontario
Éditeur des débats : Don Cameron

Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Languages in Hansard

Hansard reports all debates in English or French as spoken by the participants. It does not translate remarks made in either language. Headings and tables of contents reflect language use.

Subscriptions

Subscription information may be obtained from: Sessional Subscription Service, Publications Ontario, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, Ontario, M7A 1N8. Phone (416) 326-5310, 362-5311 or toll-free 1-800-668-9938.

Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 965-2159.

Langues paraissant dans le Journal des débats

Le Journal des débats rapporte en anglais ou en français les débats, selon la langue utilisée par les participants. Les remarques faites en l'une ou l'autre langue ne sont pas traduites. La langue des en-têtes et de la table des matières reflète la langue utilisée.

Abonnements

Pour les abonnements, veuillez prendre contact avec le Service d'abonnement parlementaire, Publications Ontario, ministère des Services gouvernementaux, 5^e étage, 880, rue Bay, Toronto (Ontario) M7A 1N8. Par téléphone : (416) 326-5310, 326-5311 ou, sans frais : 1-800-668-9938.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday 5 December 1990

The committee met at 1533 in room 151.

ORGANIZATION

Clerk of the Committee: Honourable members, it is my duty to call upon you to elect a Chair of the committee. Are there any nominations?

Mrs Marland: I take pleasure in nominating for the position of Chairman of the standing committee on the Legislative Assembly Noel Duignan, the member for Halton North.

Interjection: How do you pronounce it?

Mr Duignan: It is a silent "u" with a long "i."

Clerk of the Committee: Are there any further nominations? There being no further nominations, I declare nominations closed and Mr Duignan elected Chair of the committee.

The Chair: Thank you very much. I am pleased to assume the Chair and I look forward to working with everybody. I view my role as Chairman of this committee as a facilitator and I hope that all members have, and I believe all members should have, an opportunity at committee to participate in a very meaningful way in the debate that will happen in this committee. I look forward to that very much.

I understand right now that there is the selection of a Vice-Chair. I believe that is the next order of business. Are there any nominations?

Ms S. Murdock: I nominate Ellen MacKinnon in absentia. I understand that she has accepted.

The Chair: Are there any other nominations? Hearing none, I believe the motion is carried.

The next order of business is the appointment of a subcommittee on committee business. I would at this point ask the members of the Liberal Party and the Conservative Party who their nominees are for this particular committee.

Mr Morin: I would like to nominate Hugh O'Neil to the subcommittee.

Mrs Marland: It gives me great pleasure to nominate Noble Villeneuve, the member for Stormont, Dundas and Glengarry, as the representative of the PC caucus on this committee.

The Chair: Government party?

Mr Owens: I will nominate Ellen MacKinnon as the subcommittee member for the government side.

Mrs Marland: In absentia too?

Mr Owens: In absentia. She will have accepted in absentia as well.

The Chair: I need someone to move the particular motion that the subcommittee business be appointed.

Mr Owens moves that a subcommittee on committee business be appointed to meet from time to time at the call

of the Chair or at the request of any member thereof to consider and report to the committee on the business of the committee; that substitution be permitted on the subcommittee; that the presence of all members of the subcommittee is necessary to constitute a meeting; and that the subcommittee be composed of the following members: Mr Duignan (Chair), Mr O'Neil, Mrs MacKinnon and Mr Villeneuve.

Motion agreed to.

The Chair: I believe that the next order of business is the receipt of correspondence in relation to the private bill application of Pierre Levesque. What is the pleasure of the committee?

Ms S. Murdock: On a point of clarification: Do we have any judgements from what was stated in this documentation by the Supreme Court or anything? Is there anything available?

The Chair: I believe the clerk of the committee can answer that question.

Clerk of the Committee: Judgements in what sense?

Ms S. Murdock: There are statements in here that there have been judgements made by Ontario courts. I am just wondering if the judgements are available.

Clerk of the Committee: I do not know that. As clerk of the committee, before the Chair could be elected to the committee I was sent the entire file, as I understand it, by the Clerk of the House, with his covering letter giving his reference of the private bill to this committee for its examination, not of the merits of the private bill's being applied for but of the procedural question of whether this is a proper application or whether it is in fact contrary to the standing orders, as suggested in the letter from the Clerk of the House.

Mr H. O'Neil: I also do not think this case is a new one. I think all of the members have received different information. In fact, I think there was a book written on it. I think as a member, rather than depending upon what has been sent to me, we have to look for some guidance from the clerk and from the Legislature itself as to how we would proceed with something like this, if we do proceed with it.

If the clerk is not prepared at this time, what we should do is ask him to have the people here to have a look at it, and the government to have a look at it, and see what action we take.

Ms S. Murdock: It would be good also for us to know exactly which standing orders may be applied to this and whether or not the process is correct, because I do not even know. I am not familiar with the particular standing order that would be applicable.

The Chair: Perhaps the clerk of the committee could address this particular question.

1540

Clerk of the Committee: The letter of referral from the Clerk of the House does state in the second paragraph the Clerk's belief that this would be contrary to standing order 54. The sentence begins, "Inasmuch as the bill would authorize a charge against the consolidated revenue fund, contrary to standing order 54, I am of the opinion that this application is not the proper subject matter of a private bill."

I could read standing order 54 to the committee. Standing order 54 states:

"Any bill, resolution, motion or address, the passage of which would impose a tax or specifically direct the allocation of public funds, shall not be passed by the House unless recommended by a message from the Lieutenant Governor, and shall be proposed only by a minister of the crown."

It is up to the committee members to decide their course of action, but when such an application has been referred to the committee, the committee has in the past called in both the applicant or counsel for the applicant and legislative counsel to debate the points of view and answer members' questions on this narrow procedural question.

Mrs Marland: Mr Chairman, further to the procedural question, when I look at the private bill standing in the name of "Co-sponsors, the People of Ontario" I have to ask, is it not a requirement that a sponsor's name be on a bill in order for a bill to be sponsored in our House?

Clerk of the Committee: I would suggest that this question also could be put to legislative counsel if the committee wishes to invite legislative counsel.

Mrs Marland: If it is a private bill and it is not sponsored by one of us as an elected member—I mean, frankly, bills sponsored by or for the people of Ontario, I thought that was what we were elected to do. But if it is not possible for a bill to stand in the name of the people of Ontario without someone who is elected in this Legislature to co-sponsor it, if that is not a requirement, or if it is a requirement, I do not think we have to waste any time on this. If we can get that technical answer, that it is not possible for that bill to proceed without having a sponsor, then I do not think we should waste any time dealing with it until we have it properly sponsored and brought forward. If that is a legal presentation with no names on it, then I would say yes, we can go ahead and spend some time on it.

The Chair: I will make a suggestion here that since both parties have not been notified of its coming before the committee, we defer it to the next meeting of the committee.

Mrs Marland: What do you mean, Mr Chair, when you say all parties have not been notified?

The Chair: I understand the sponsor of the bill has not been notified that it was coming before a committee here today.

Mrs Marland: Who is the sponsor of the bill? My point is that it says here "Co-sponsors, the People of Ontario." I am not interested in wasting the time of this committee on something that may be just full of air. My request is through you, Mr Chairman, to our staff, whether it is our clerk, who has resources to ask our legal counsel. We have two research officers here, and we do have legal counsel available to the committee.

If you like, I will move a motion to ask our clerk to research the answers to what is the responsibility of this committee as it pertains to this bill and whether a bill is able to stand only in the name of the people of Ontario without any specific names, because I think on the surface this looks ludicrous. If it is a legitimate, sincere act on behalf of a certain party—I will not read the name at this point—but if it is and it is possible to sponsor it without someone's name, then let's proceed. But if not, let's not waste any more time on it.

Clerk of the Committee: If your question, Mrs Marland, was, is the bill to have a member sponsoring it upon first reading in the House, the answer is yes, a member's name would have to be there sponsoring it.

On the question about whether it is properly referred to this committee, the answer is yes. This is an application to have a private bill come forward and it has not reached that stage of having a member agree to sponsor it. But it is proper to have the application reviewed by the committee at this point and referred pursuant to standing order 79 by the Clerk of the House.

Mrs Marland: Okay. Well then, if every member in the House has received this—or only every member of this committee?

Clerk of the Committee: The members of this committee have received this.

Mrs Marland: Okay. I would suggest that until we have a member of the House who is willing to sponsor this, as you have just explained is a requirement, then I do not see any purpose in our dealing with it. When there is a member's name attached who is willing to sponsor this bill, then I think we sit and hear the application of that member who is co-sponsoring it with, I assume, the people of Ontario. Otherwise, we could be tied up with this kind of stuff all the time.

Mr Owens: I think it is pretty clear in the letter from Mr DesRosiers that this bill does not follow the letter or the spirit of the standing order, and that not wanting to give short shrift to democracy and participation. However, I do agree with Mrs Marland that we could be tied up for ages and ages with this bill, and I am going to ask the clerk for some guidance on the wording of a motion as to how we can deal with this today and get it off the table, because I do not think it is appropriate for this committee or any other committee in this Legislature.

Mrs Marland: I think that is the motion I just placed.

Mr Owens: But if someone decides to sponsor this bill, we are going to have to deal with it.

Mrs Marland: Yes. I think the point of my motion is that until someone is willing to put his name to this bill,

we have no obligation to deal with it. However, if one of the 130 elected members in the Legislature is willing to put his name as a sponsor of this bill, then we are obligated to deal with it, and we deal with it however we decide. But what I am saying is, until that happens, I do not think there is any necessity.

Ms S. Murdock: I have one quick question actually. Historically, when recourse has not been made through the courts, have there been other cases before a committee such as this where the people have tried to get what they want through this avenue rather than through the legal avenue or the judicial avenue?

Clerk of the Committee: Through a private bill process?

Ms S. Murdock: Yes. Is this a first?

Clerk of the Committee: I am not sure. I am not acquainted with the full range of private bills. I would have to consult—

Ms S. Murdock: Based on Mrs. Marland's statements, that may be a moot point, but I am just wondering whether or not it is even proper.

Mr Cooper: It being that this bill is contrary to standing order 54, I think maybe a motion should be made to file it, if filing is the proper thing to do with it. Standing order 54 was read and this bill is contrary to it, so it is not the subject matter for a private bill. Would a motion to file be in order?

The Chair: I would like to seek further advice from the clerk of the committee on this matter. Would the committee entertain postponing this debate to another meeting?

1550

Mr Owens: I do not think there is any debate at all.

The Chair: Okay, is that all agreed with by members of the committee? Any other business?

Mr H. O'Neil: Mr Chairman, seeing as this is the first meeting, I just wonder, have we any idea of some of the other things that—there may not be anything else on the agenda today—we will be dealing with over the next few weeks or before we adjourn?

The Chair: I understand that there are a couple of items such as the review of the freedom of information act and possibly the proposed budget. Maybe the clerk would like to expand on that a little.

Clerk of the Committee: The most important work before the committee as mandated by the Freedom of Information and Protection of Privacy Act is the initiation within the three-year calendar period—that means by the end of this year—of a comprehensive review of that act. The committee, by section 68 of the statute, does have one year, once it has begun the comprehensive review, to complete that review and report back to the Legislature. That could involve the committee's initially having a briefing from the freedom of information and protection of privacy branch of Management Board of Cabinet, if you so wish, within this year, and you can determine after that initial overview what witnesses you would like to invite and

what approach you would like to take to your comprehensive review.

The standing order setting up this committee establishes the relationship to the Speaker, the House, the Board of Internal Economy on procedural matters, on administrative matters relating to the Office of the Assembly, to the provision of services and facilities for members. It is quite a broad-ranging mandate. The committee also reviews the broadcast and recording service and provision of services there. There are any number of areas that could arise in the course of the House from members' own wishes to place items on the agenda of the committee.

In response to Mr Morin's question about a committee budget, the budget of the last committee in the last Parliament applied to that Parliament and this committee will have to put forward a budget in the very near future.

Mrs Marland: Doug, first of all, you are saying that the review has to start in 1990 and, once it starts, we have a year to complete it?

Clerk of the Committee: Yes.

Mrs Marland: So what we should decide as a committee is a strategy for that review so that we can plan a time-line basis. I think also knowing that there will be other matters referred to this committee and certainly there may well be other matters that we initiate—I have one, as a matter of fact. But is it also true that if we are going to have a budget for this current fiscal year for this committee we have to submit that budget very soon?

Clerk of the Committee: Yes.

Mrs Marland: What we should be talking about today then is what we plan to do with the committee in terms of work for the next four months, during what remains of December, which is literally two weeks of the House sitting, and January, February and March, since the new year starts 1 April in terms of financing. Since that is the only matter that has been referred to us at this point, how would you suggest, as the clerk, that we deal with a proposed budget when we do not know what matters are going to be before us, how or where we are going to have to go to review those matters, whom we may have come before the committee, advertising and travel expenses and so forth for any witnesses we may need or any other opinions which we may have to go elsewhere to seek?

The Chair: To seek?

Mrs Marland: I wonder if Mr Arnott could just answer my question first.

Clerk of the Committee: Sure. This happens very often, that committees are asked to present budgets to the Board of Internal Economy before they know what bills or legislation or matters will be taken up by them in the recesses in the many months ahead, if they are forecasting for an entire fiscal year. That means often that the estimates voted on by a committee and approved by the Board of Internal Economy are either wildly over or grossly under what in fact is needed when a committee meets during the adjournments, or just to run operations through the year.

I would, at the direction of the Chair or the subcommittee on committee business, prepare a draft budget, if that is requested, for an estimated time period to put forward to the committee at its next week's meeting, or the week after if you prefer. The committee could change that in any way it wishes.

Mrs Marland: Have you been the clerk of this committee for the last year?

Clerk of the Committee: No, I have not.

Mrs Marland: Okay. So you could look at previous average budgets in a similar situation when the House is not sitting and you are in that grey area of not knowing what commitments we would have to make and prepare us an average budget that the committee has had in the past for a similar period of the time of year?

Clerk of the Committee: Yes.

Mrs Marland: That would be great.

Mr H. O'Neil: Just a suggestion. Rather than just depending upon the clerk to do this, I do not think it would hurt for all the members of the committee maybe to have previous budgets for the last two or three years that we could have a look at and see how much has been spent. Then we can all have a look at it and sort of help you in your determination or ours.

Ms S. Murdock: A quick question. I understand that we will be sitting in January and February because of the freedom of information act review. Is that correct?

The Chair: If it is determined by the committee. Is that right, Mr Clerk?

Clerk of the Committee: Yes.

Ms S. Murdock: The other question I have is in relation to expenses, I guess. I understand this committee also goes to Tallahassee this year. Is that correct?

The Chair: You have me there. I do not know. Is that this year?

Ms S. Murdock: Last year was Tulsa, Oklahoma, but I am just wondering, because that would have to be included in the expenses, I would imagine.

Mr Villeneuve: That is prior to the end of the fiscal year.

Ms S. Murdock: Oh, right. It is near the end of the next year. Sorry. Thank you.

Mrs Marland: I think some of these details, the idea of having a look at previous budgets as some kind of guideline, are things that I am quite happy to have our subcommittee look at with Mr Arnott.

I have just done this with another committee. We have just set our budget and we have decided when we were going to sit as well. It might be helpful to the subcommittee, since this is the first time that we have all been together, if it might know what we feel about when we would be sitting.

We may feel all kinds of things. Ultimately, the House leaders tell us what we will do. In the other committee, because I had heard that the House leaders were looking at the committees not sitting in January so that people can get caught up with their constituency work, especially people

who are away from their constituencies as a matter of routine because of the geographic location of those constituencies, the suggestion was that committees start sitting not in January but at the beginning of February. In fact, that committee is starting to sit the week of 4 February for three weeks. Maybe we could help by giving some guidelines to our subcommittee.

1600

Sometimes it works better if all the committees are on a similar schedule in terms of staffing and, if you cannot be there, substituting somebody in. If you bring a member down from Sudbury, for example, and that person is subbing on a Tuesday for someone who cannot be on committee A, while he is already down, maybe on the Wednesday he could sub on another committee.

It just flows better if there is an interrelationship between the committee sittings of a like time, and because the House leaders were talking about not sitting in January, I am just throwing that out to this committee and wondering how the other members in this committee feel about not sitting in January but planning to sit in February. They never sit in the March break. That is understood; actually it is in our standing orders now. It did not used to be, but it is now, I think, that we do not sit in the March break, whenever it is. So if that is of some help, we should give that direction to our subcommittee.

Ms S. Murdock: Sounds good to me. I just do not know how much time is going to be needed for the freedom of information review. That would be all that I would be concerned about.

Mrs Marland: The fact that we have a year to do it means that we probably do have to plan to do it in stages.

Mr H. O'Neil: Have we any estimate as to how long we likely will be sitting if we do sit in February?

The Chair: I understand somewhere around three weeks.

Mr H. O'Neil: For three weeks. It maybe depends on what sort of business agenda, the Chairman has in mind, but it seems to me, for what we are dealing with, three weeks is a long time too. I do not know.

Mrs Marland: Well, it is hard to speak in a vacuum, because it is not just the privacy act that we will be reviewing.

The Chair: I will make a suggestion that this may be an issue that the subcommittee could look at and the members on the subcommittee could bring back the recommendations from their House leaders. They in turn would be prepared to make some recommendations to the committee when we meet again.

Mr Owens: The House leaders will be meeting tomorrow, so I guess all our lives will be a little bit more organized in all our committees, as that will be the meeting where the business is determined.

Mr H. O'Neil: Are we proposing to meet next week too then?

The Chair: If that is the wish of the committee, we could meet same place, same time.

Mrs Marland: Today is only Wednesday. The other thing about House leaders is that the sooner we get our request for budget in, the better. I mean, there starts to be a lineup. If we are organized and prepared and we get to the House leaders with our budget and, in turn, it goes to the Board of Internal Economy, we would be better to do it sooner rather than later and not be at the end of the lineup.

Mr Owens: I was going to suggest that perhaps instead of the whole committee meeting, the subcommittee meet next week at this time or sooner, if at all possible.

Mrs Marland: Could the subcommittee not meet tomorrow?

Mr H. O'Neil: I cannot.

Mrs Marland: Maybe you could send somebody. Then we could meet at our regular meeting, which is next Wednesday, and deal with the subcommittee's report.

Mr H. O'Neil: Again, it does not matter. I will not be here tomorrow and, as you say, I could send a substitute. But there may be some information that the clerk and staff want to get together, and I would propose that maybe the subcommittee meet Monday or Tuesday of next week and then come back to the full committee next Wednesday. Again, I bow to the Chairman.

The Chair: I believe that is a good idea, that the subcommittee look at the question of budget and the business coming before this committee for the next number of months and prepare to come back with some recommendations to the full committee next Wednesday.

Mr Villeneuve: House leaders meet on Thursday mornings, and that is when we would, I think, like to have our request in as to what our planning is, and not be the last ones to go.

The Chair: Any other topics of business?

Mrs Marland: Probably what we should do is talk to our caucuses on Tuesday morning and ask them if there are any matters that they would like referred to this committee. For us as individuals, if we have matters that we would like the committee to discuss, then maybe that is something we could do next Wednesday as well, come back prepared with items that fall within our jurisdiction.

Mr H. O'Neil: So are you having a meeting of the subcommittee or not?

The Chair: Yes.

Mrs Marland: Yes, the subcommittee is only dealing with the sitting dates and the budget. I am talking about matters before the committee.

Mr H. O'Neil: So when is the subcommittee going to meet then?

Mrs Marland: It is up to the Chairman.

The Chair: I am available at any time the other members of the subcommittee are available. We can meet tomorrow morning if that is acceptable to the committee.

Mr Villeneuve: I have no problem with that. Are you looking at 9 or 9:30?

The Chair: I have another committee meeting at 10 o'clock, so if we could meet at 8:30.

Mr Villeneuve: Yes, 8:30 is fine.

Mr H. O'Neil: Yes, 8:30 would suit me.

Mr Villeneuve: If you want to meet in the legislative dining room, we could have breakfast together.

The Chair: We could have a breakfast meeting. Whatever is the wish of the subcommittee. So the subcommittee will meet tomorrow in the legislative dining room at 8:30. Is there any other business before the committee?

Mrs Marland: I will move adjournment.

The committee adjourned at 1607.

CONTENTS**Wednesday 5 December 1990**

Organization M-99
Adjournment M-103

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY**Chair:** Duignan, Noel (Halton North NDP)**Vice-Chair:** MacKinnon, Ellen (Lambton NDP)

Cooper, Mike (Kitchener-Wilmot NDP)

Frankford, Robert (Scarborough East NDP)

Marland, Margaret (Mississauga South PC)

Mathyssen, Irene (Middlesex NDP)

McClelland, Carman (Brampton North L)

Morin, Gilles E. (Carleton East L)

Murdock, Sharon (Sudbury NDP)

O'Neil, Hugh P. (Quinte L)

Owens, Stephen (Scarborough Centre NDP)

Villeneuve, Noble (Stormont, Dundas and Glengarry PC)

Clerk: Arnott, Douglas**Staff:** Yeager, Lewis, Research Officer, Legislative Research Service

McNaught, Andrew, Research Officer, Legislative Research Service

HANSARD REPORTING SERVICE

Room 481, Legislative Building, Queen's Park, Toronto, M7A 1A2
Telephone (416) 965-1456
Index Inquiries: (416) 965-2159
Faximile: (416) 963-1387

Editor of Debates: Don Cameron

Editors: Alex Jenkins, *Deputy Chief*; Edward Patrick, *Supervisor*; Karen Bennett, Liese Binnie, Drummond Burgess, John Cambridge, Deborah Caruso, Anne Lynas, Steven Smal, Janice Spellerberg, Sheila Wawanash, Sharon Wyatt

Reporters (Tape): Kit Anderson-Knight, *Administrator*; Margaret Elkins, Wilda Ferguson, *Supervisors*; Jean Andrews, Sandra Arrizza, Peggy Brooks, Carolyn Brown, Arlene Cedilnik, Sharon Chalupiak, Karen Fischer, Margaret Grobicka, Timothy Humphries, Kathleen Oram, Arleen Oostwoud, Chantal Perron, Mary Sutton, Jacqueline Tarne, Lorraine Wills

Reporters (Shorthand): Pat Girouard, Beth Grahame, Carol McIntosh, Maureen Murphy

Reference: Teresa Hamilton, *Reference co-ordinator*; Miro Drobnjakovic

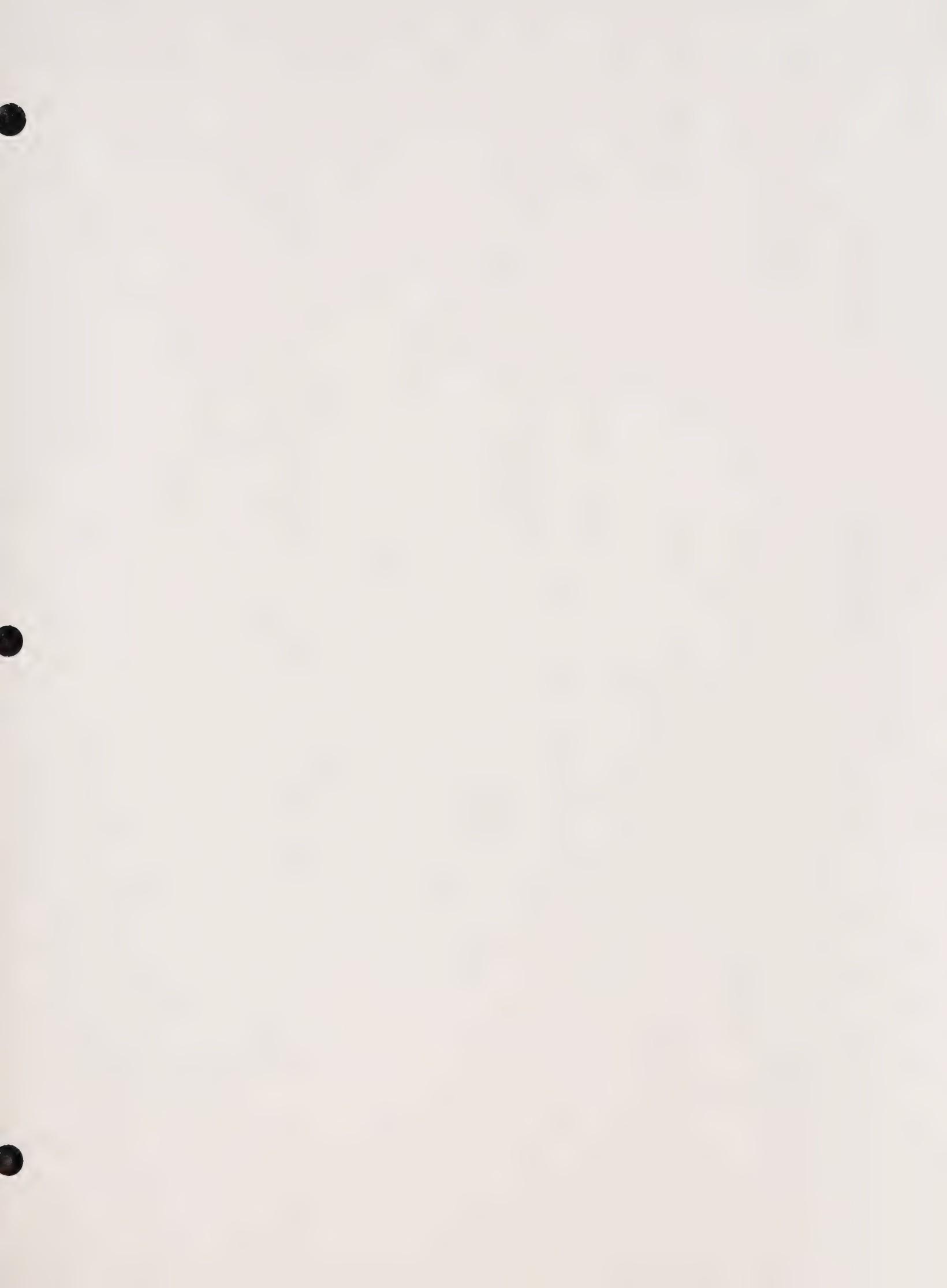
Index: Elise Sloga, *Chief*; Estelita Chan, Lynda Middleton

Editorial Assistants/Printer: Bob Bubba, Corrine Marnoch, David Woodruff, Eamon Kade

Secretary/Receptionist: Lorraine Cohen

Messenger: Tom Grahame









M-11 1990

M-11 1990

ISSN 1180-436X

Legislative Assembly of Ontario

First Session, 35th Parliament

Official Report of Debates (Hansard)

Wednesday 12 December 1990

Standing committee on the
Legislative Assembly

Private Bill
Organization

Freedom of Information and
Protection of Privacy Act, 1987

Budget

Chair: Noel Duignan
Clerk: Douglas Arnott

Published by the Legislative Assembly of Ontario
Editor of Debates: Don Cameron

Assemblée législative de l'Ontario

Première session, 35^e législature

Journal des débats (Hansard)

Le mercredi 12 décembre 1990

Comité permanent de
l'Assemblée législative

Projet de loi d'intérêt privé
Organisation

Loi de 1987 sur l'accès
à l'information et la protection
de la vie privée

Budget des dépenses

Président : Noel Duignan
Greffier : Douglas Arnott

Publié par l'Assemblée législative de l'Ontario
Éditeur des débats : Don Cameron

Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Languages in Hansard

Hansard reports all debates in English or French as spoken by the participants. It does not translate remarks made in either language. Headings and tables of contents reflect language use.

Subscriptions

Subscription information may be obtained from: Sessional Subscription Service, Publications Ontario, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, Ontario, M7A 1N8. Phone (416) 326-5310, 362-5311 or toll-free 1-800-668-9938.

Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 965-2159.

Langues paraissant dans le Journal des débats

Le Journal des débats rapporte en anglais ou en français les débats, selon la langue utilisée par les participants. Les remarques faites en l'une ou l'autre langue ne sont pas traduites. La langue des en-têtes et de la table des matières reflète la langue utilisée.

Abonnements

Pour les abonnements, veuillez prendre contact avec le Service d'abonnement parlementaire, Publications Ontario, ministère des Services gouvernementaux, 5^e étage, 880, rue Bay, Toronto (Ontario) M7A 1N8. Par téléphone : (416) 326-5310, 326-5311 ou, sans frais : 1-800-668-9938.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday 12 December 1990

The committee met at 1532 in room 151.

PRIVATE BILL

The Chair: I would like to welcome everybody back to the committee. My name is Noel Duignan; I am the Chairman of this particular committee. I would like to welcome Frank White and Terry Campbell from the freedom of information and privacy branch of the Management Board of Cabinet.

Mrs Marland: Are we first going to dispense with the matter I referred to the clerk at the last meeting before we get into this part of the agenda today? Just so we can get rid of that matter, which is the matter of the court case and the bill that was in the name of the People of Ontario. We have now learned from research, in response to my question, that all private bills have to stand in the name of a member, and until there is a member who is willing to put his name on that bill, which sues the province for \$750 million, we can dispense with that.

The Chair: We will be dealing with that issue under item 1 of the agenda. That is from the report of the subcommittee to the committee.

Mrs Marland: It was not part of the subcommittee report, was it? It was an answer to my motion when I placed a motion asking for more information.

The Chair: You are correct.

Mrs Marland: I think we can just get rid of it right at the outset and then we can get into the freedom of information matter that is part of the agenda.

The Chair: If the committee agrees, we can move that up to item 1 of the agenda. Is it the wish of the committee to dispense with this item first?

Agreed to.

Mrs Marland: I have six packages here. I cannot find the agenda, but I would move that the matter of the—

The Chair: That is the application by Pierre Levesque.

Mrs Marland: It is not on the agenda.

The Chair: It would come up under "other business."

Mrs Marland: Since it was the answer to a resolution at the previous meeting, I think it should have been identified on the agenda so we can deal with it formally. I am looking for the names to refer to it properly.

I move that the matter of the question I raised at the last meeting dealing with the referral of a private bill application—the private bill stands in the name of the People of Ontario but it is a matter of an application of Pierre Levesque. Is he the person representing the person who wants to sue?

Mr Villeneuve: He is.

Mrs Marland: He is the person who wants to sue.

The Chair: Yes.

Mrs Marland moves that the matter of the application of Pierre Levesque's private bill standing in the name of the People of Ontario be deferred by this committee until such time as it meets the requirement of the presentation of private bills in our House, namely, that it has to stand in the sponsorship of a name of one of the elected members of the Legislature.

Motion agreed to.

ORGANIZATION

The Chair: The next item of business is the report of the subcommittee on committee business, dated 6 September. Has everybody got a copy of that report? The second item is regarding the schedule of the freedom of information comprehensive review. It is the recommendation of the subcommittee that we meet in the week of 4 February 1991 and the week of 25 February 1991, if required. We have not set any particular dates and times for that committee to meet right now. We felt it could be left up to this committee to decide what days we would meet during that week and what times we would meet. What is the wish of the committee with regard to the dates and times you would like to meet during the week of 4 February?

Mr H. O'Neil: Do we have to put this to the House leaders? In other words, we did receive their okay for those two weeks.

The Chair: We have put in the request to the House leaders for those two particular weeks.

Mr H. O'Neil: But we have not heard back from them yet whether that is approved.

The Chair: No, because we suggested that it still had to be approved by the committee here.

Ms S. Murdock: Any times we would select would have to be approved by the House leaders anyway in terms of conflict with other committees. Is that not correct?

The Chair: I understand that is correct, but we can set the week and times here today.

Mr Owens: What is past practice for the number of days and hours at a time that this committee has? Can we use that as a guiding factor?

Clerk of the Committee: The days and hours vary from committee to committee, but during a recess most committees I have served with will meet Monday afternoon to allow members from out of town to travel in, and then full days on Tuesday to Thursday, sometimes Tuesday to Friday or Friday morning only. Full days would mean meeting from 10 to 12 or 12:30, from 2 to 4, 4:30 or 5, depending on the number of witnesses to be heard.

1540

Mr McClelland: Mr Chairman, I suppose in concert with the subcommittee, have you a sense of how much time will be required? You are looking at potentially two weeks, which could involve eight full days. Do we have eight full days in terms of deputations and matters for consideration? It seems to me, by way of proceeding, you might want to start with the full week of 4 February and tentatively hold that and schedule accordingly and, looking at the week of 25 February, remove from the latter part of the week dates that would not be required to accommodate the deputations and matters for consideration. That would at least give us some sense of what direction we are headed and enable us to plan accordingly.

The Chair: I agree. At this point we would be just looking at setting days and times for the week of 4 February, and the week of 25 February would be only if we required it. I was wondering if the clerk has any indication at this time of how many deputations will be appearing.

Clerk of the Committee: I do not. I do know there is continuing interest, as people call the office each day. I understand the branch of Management Board has also had quite a number of indications of interest. I do not have numbers at this point.

Mr Owens: I am just wondering if we could combine two items, because I think the issue that was discussed at the subcommittee meeting on the type of matters that we are going to handle is really germane to the discussion of how we set up our time, if that is agreeable with the Chair.

The Chair: It is agreeable with the Chair.

Mr McClelland: I do not know what items you are talking about. It seems to me that the way to proceed with this is that we have a certain time allotment and we book deputations accordingly. In the past the clerk has ably discharged the responsibility of finding time slots and providing us with a very full agenda. It seems to me from what you have indicated, Mr Arnott, that we very well may use that entire time. I think we operate on the premise that we will be using that time, book it accordingly, leave it with the clerk to work in concert with the Chairman and set aside the time on a schedule. We can decide if we want to start Tuesday in the afternoon and do full days Wednesday and Thursday for both weeks. It seems to me to be a reasonable approach. Then we know what we are dealing with, we can schedule other events, other commitments we might have and move on with the business at hand.

Ms S. Murdock: I do not know how the other members of the committee feel, but I am hoping that Friday will not even be a consideration for sittings.

Mr Villeneuve: It is a travel day.

Ms S. Murdock: It is not a travel day for me, it is a constituency day.

Mr McClelland: Half-day Monday, Tuesday, Wednesday, Thursday.

Mr Villeneuve: For those of you from rural ridings, those two weeks happen to be a Rural Ontario Municipal Association get-together here in Toronto and the last week

is an Ontario Good Roads Association meeting where municipal representatives come to Toronto. I have found that those weeks are quite busy with the members accompanying delegations of rural municipalities to different ministries. I have no problem with those two weeks, but I would very much like to see, as Mr McClelland suggested, maybe starting on Tuesday afternoon.

The Chair: There is a sense that we would begin on Tuesday afternoon, go all day Wednesday and Thursday the first week.

Mr Owens: Monday afternoon.

Ms S. Murdock: That is fine, Monday afternoon.

The Chair: Monday afternoon or Tuesday afternoon? Interjections.

Mr Villeneuve: It depends on the activity. I know, as we discussed in the steering committee, we are just kind of getting the feel of where the problems will be and the gist of what people will be reacting to under the freedom of information act as it applies to the other levels of government. We will be coming with a preliminary report, basically to identify where problems either exist or are perceived to exist.

Mrs Marland: I agree with the comments that have been made about what days we sit. I am also wondering whether the subcommittee discussed what we would be doing in terms of going to see what other levels of government do.

The Chair: I think it was the sense of the subcommittee that we need to focus on what the problems are in relation to the legislation. I think this is the whole purpose of this first week, this kind of phase 1, find out what the problems were, focus in on that and then come back later and hold further public hearings on those particular issues. I think that was the sense of the subcommittee.

Mrs Marland: I am looking at the 1989-90 budget. I wondered if our budget gave us a provision to go and do some research on some other levels of government.

Mr Villeneuve: We are going to try for it.

Mrs Marland: Was that discussed by the subcommittee?

The Chair: No, it was not.

Mrs Marland: Obviously we have to look at how our Ontario statute is working, but how are we going to make any recommendations for changes or improvements or amendments without learning from some other source what other levels of government are doing in other locations?

The Chair: There is some preliminary information in the package you received in relation to what other jurisdictions are doing and I think the research branch has also pointed out some areas that need to be addressed already. I think that information was supplied in the kit that you received, so we do have a starting point.

Mrs Marland: Yes, but I think what I am getting at is that we have to make some plans. What have we done about the budget? That has not been approved yet, has it?

The Chair: No. It is on your desk right now for approval at either this particular meeting or the meeting next week.

Mrs Marland: It was handed out today, was it?

The Chair: Yes.

Mrs Marland: Oh, okay. This budget obviously does not have any travelling for the committee in it; is that correct?

The Chair: That is correct, yes.

Mrs Marland: This means that this committee could not travel before the House sits again to approve the new budget after we rise next week; is that right?

Clerk of the Committee: I am sorry, I do not understand the question.

Mrs Marland: If the committee finds it necessary to travel when the House is not sitting, does the Board of Internal Economy approve our budget? If we submit a budget in February to travel in March or before the House reconvenes, does the board just approve the budget?

Clerk of the Committee: I do not know the schedule of board meetings then. I know the board is trying to meet more frequently. The committee does require the board's permission, budgetary approval, before it can travel outside—

Mr Drainville: If you need the information to indicate when we are meeting, I am a member of the Board of Internal Economy. We are planning one more meeting this session and then we are hopefully going to be meeting in the middle of January once and perhaps again in February once. That is the plan at this time, although that could change. Dependent upon the needs that are expressed in terms of the Legislature, we could meet more often.

1550

Mrs Marland: Just to finish what I was going to say, why it is important that we get a firm decision on what our committee wants to do is that, as I think I said at the last meeting, our dates have to go into the hopper with everybody else's dates, and the House leaders have to agree that they can physically provide enough members to cover all the committees for all of those meeting dates in terms of the bodies being available. It is not a problem when you have 74 bodies, as the government party has, but in our caucus of 20 members, and it may be the same in the Liberal caucus of 36 members, there are a number of us who sit on more than one committee by necessity to cover the committees, so I think we have to consider very carefully what the work is that we have to do and set enough days. Also, if part of our work requires us to be relocated, as a committee, outside of Toronto, which is very common for this committee, then we have to get a budget approved as well.

Mr H. O'Neil: Again, I think Mrs Marland makes a good point. If we are considering going to some other jurisdiction to look at some of these things, I think we should include it with this budget here and we should put it in so that we do not have to go back for a supplementary amount or decision.

The Chair: This is only a recommendation to the committee. It can be changed and your suggestion can be taken into account. We can make provision for travelling outside of Metro in this budget. We can have a look at that later on the agenda under other business.

Is it the consensus of the committee that we will meet on Monday afternoon, Tuesday, Wednesday and Thursday of the week of the 4th, from 10 to 12 and 2 to 4?

Mr H. O'Neil: It is usually 4:30.

The Chair: Is that the consensus of the committee?

Mr Villeneuve: I have no problem with that, but if the demand is not there, I would appreciate it if you could chop it at the beginning of the week.

The Chair: If it is found when we meet on Monday afternoon or Tuesday that the demand is not there to sit on Thursday, then we will not sit on Thursday, or Wednesday.

Mr Villeneuve: I like it the other way around.

Mrs Marland: To remove Monday, I think.

The Chair: Okay. I will take your suggestion. Are there any further questions relating to the meetings of the committee in February?

Mrs Marland: Is it 4 February we are talking about?

The Chair: Yes, at this point; and the week of the 25th only if it is required.

The third item on the report of the business subcommittee is that the subcommittee recommends that, in compliance with its terms of reference, the committee invite the director of the broadcast and recording service to appear before the committee on Wednesday 19 December to review the television broadcasting system of the Legislature. Is that agreeable with the committee? Agreed.

The Chair: The other item of business that was discussed by the subcommittee was: "Your subcommittee recommends that in compliance with its terms of reference, standing order 104(i), the committee schedule meetings to consider the provision of services and facilities to members during the spring session. Your subcommittee further recommends that the committee send to all members of the Legislature a questionnaire to determine what matters should be scheduled for review."

Are there any questions or answers?

Mr H. O'Neil: I just wonder whether, with so many members being new, it might be a good suggestion, rather than just sending out a general letter like that, to maybe mention in that letter some of the things we might cover and then ask if there are any additional matters that they would like to have a look at. I make that only as a suggestion.

Mrs Marland: I think that is a good idea to give the parameters of our jurisdiction. I do want to ask, and perhaps my colleague the member for Stormont, Dundas and Glengarry, Mr Villeneuve, has the answer since I think he is the only person sitting on the committee who sat on it last year—

The Chair: I do not know.

Mrs Marland: Oh, Gilles, maybe you remember. One of the important matters that I know this committee spent

some time on last year was the security of members in this building. I came in and made a presentation to that committee because of some concerns I have. Nothing has been done about those concerns and I am wondering whether the clerk can tell us if there were recommendations of this committee addressing the item of security of members.

If there were recommendations made to the former government by the committee and they have not been acted on, then I think this committee should review those recommendations once and for all. We do not want to keep talking about the same stuff over and over again. If this committee did do that and did come forward with some recommendations, I think it is important that we see some action, especially in this day and age, to do with the security and safety of members.

The Chair: Were recommendations made to the previous government?

Clerk of the Committee: I am not sure. I would have to research that and get back to you.

Mr Morin: I was on the Legislative Assembly committee in 1986 and at that time I was a member of a subcommittee to look into the security aspect of the building. Elie Martel was on that committee, and Norm Sterling. There was another person also. We travelled to Quebec City. We looked at the setup at the Legislature in Quebec City. I believe there was a report that was submitted. Perhaps Claude DesRosiers, the Clerk, would be in a position to help you on that.

Mr McClelland: Might I add that it also became a consideration subsequently in 1988-89. Another report was done. We had visits from individuals responsible for security in both Quebec City at the National Assembly and also in Ottawa, so there are reports that have been commissioned or surveys that have been done. I think it would be a good idea to have at least a summary of those so that we know what has been done and where we are going with it, if anywhere at all.

Mrs Marland: Probably you went to the legislative assembly in Quebec because of the dreadful tragedy, the awful happenings in that legislative assembly. It would be just as easy for it to happen here. We are coming into very, very stressful times for people and that is when people under stress act differently than they would do otherwise. I do not think we have to go somewhere to review that subject again, but I certainly think we have got to find out what the recommendations were and decide that we want them implemented.

The Chair: We will ask the Clerk to root out those reports and see if there were any recommendations and bring them back for the committee meeting next Wednesday.

Mrs Marland: Good. Thank you.

Mr McClelland: Just in terms of where we are going here, are we moving with the agenda or are we throwing out other ideas for consideration?

The Chair: We are hopefully going by the agenda. If you have some other ideas, you can bring them up under other business.

Mrs Marland: What we have been dealing with up to now is the subcommittee report.

The Chair: That is correct. We have dealt with items 1, 2, 3 and 4.

Mrs Marland: Right.

1600

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT, 1987

The Chair: We will move on to the second item on the main agenda, which is the beginning of the comprehensive review of the Freedom of Information and Protection of Privacy Act, 1987. Again, welcome Frank White, director of the privacy branch, and Terry Campbell, who I think is the policy adviser of the Management Board of Cabinet. I understand your presentation will last about 40 minutes, then we will open it up to questions.

Mr White: I think what we could do also is that if you like to ask questions as we are going through, that may be a better way of handling it since questions are fresh in your mind at that point.

I would like to thank the committee for an opportunity to discuss the provincial Freedom of Information and Protection of Privacy Act and the start of a three-year review. It is one of the few provincial statutes that actually requires, in the statute, a review of the piece of legislation after a period of time to see how it is operating.

The legislation is administered by the Chairman of Management Board, Frances Lankin. I am director of the freedom of information and privacy branch at the Management Board. Our function is to support the minister in her administrative responsibilities in terms of the legislation. We also provide advice to the ministries and agencies that are covered by the act in terms of interpretation, procedures and process. That is generally our function.

Section 68 of the act is this section that requires a three-year review. What it requires is that your committee undertake a comprehensive review of the act three years after proclamation. You have a year to hear representations and study the act. After that period of time, you will be making a report to the Legislature on proposed amendments to the act.

This is not uncommon with this type of legislation. Both the federal government and the Quebec government have already completed reviews of their legislation. The federal government completed its in late 1987 and the Quebec government completed its in late 1989. So it is something that is common with this type of legislation.

I have a copy of the material we will be going through today so that you can follow me if you would like to.

This piece of legislation was effective on 1 January 1988, so we are just finishing the three-year period. The coverage is quite extensive. It covers all the ministries of the Ontario government and then it covers some 250 agencies. I can give you a few examples of the types of agencies under schedule 1 or group 1. There are the regulatory and advisory agencies of the government. Those are agencies like the Ontario Human Rights Commission, the Residential Tenancy Commission, the Social Assistance Review Board, the Public Service Grievance Board and

the Pay Equity Commission. All of that group of agencies is covered.

There is a second group called crown corporations, which are generally the commercial agencies of the Ontario government. There are approximately 16 agencies and they include Ontario Hydro, the Liquor Control Board of Ontario, the Ontario centres for technology and the Ontario Northland Transportation Commission as examples of these types of agencies.

There is third set—let's call it group 3—which are the cultural and educational agencies. It covers about half of those agencies. The half would include the 23 colleges of applied arts and technology, district health councils and the Royal Ontario Museum. It does not include a few agencies that are health-related, like the Clarke Institute of Psychiatry as an example. So it is fairly extensive coverage.

Originally the legislation, when it was passed, was going to apply to municipal corporations and local boards on 1 January 1990, but after it passed there was some consultation with those municipalities and local boards and I guess it was seen that they are quite different in an administrative sense from the way the provincial government functions, yet we had a group of principles here that certainly could pertain both to the provincial and the municipal levels. In fact, what happened was that separate legislation was introduced in 1989 that incorporated the principles we will be dealing with today while it recognized what would be some administrative differences in the way municipal corporations and local boards operate. That was passed in December 1989. It is effective on 1 January 1991.

On the bottom half of that side you will see that there are approximately 2,500 other organizations, including municipal corporations and local boards that will be covered by what is a separate piece of legislation. That is the Municipal Freedom of Information and Protection of Privacy Act. That also calls for a three-year review, which would be, I guess, in 1994, three years after that act is in operation.

The act that you will be reviewing in terms of a statutory requirement would be the provincial Freedom of Information and Protection of Privacy Act. That does not and will not apply to municipalities and municipal corporations, although they have similar legislation which will be in effect four weeks from now.

On the second side are the principles common actually to both acts. I would like to point these out. We do a lot of workshops across the province for those provincial agencies and we have done a lot for municipalities and local boards over the past year. I guess you talk a lot about exemptions, but really the focus is this right of the public to information that is held by governmental institutions. The whole idea is that with these pieces of legislation there should be more information going out than in the past.

That is the first general principle. The public has the right of access to information that has been obtained by these governmental organizations covered by this legislation.

The second area is that exemptions from that right should be very specific and very limited. In other jurisdictions, for instance the United States, you will have an exemption that deals with all law enforcement matters; just law enforcement is exempt. In the Ontario legislation, whether you agree or disagree with the law enforcement exemption, you will see there are particulars in that exemption that try to detail what it is in terms of law enforcement that is exempt, for instance, a law enforcement matter that would hinder the security of the facility as an example.

A third principle is that decisions by institutions to refuse access should have an independent review procedure or process. An Office of the Information and Privacy Commissioner has been established to hear complaints under the legislation. I will talk about that in a few minutes.

Last, individuals have a right to the protection of their personal information. I guess you realize that provincial ministries and a number of agencies certainly collect and maintain an enormous amount of personal information about individuals in the province. If you think about the services that are provided by the Ministry of Community and Social Services, the Ministry of Health, the Ministry of Correctional Services and the Ministry of the Solicitor General, you will realize that the government does have quite an extensive amount of information. There are rules of the road in this legislation on how the government ministries use, collect and can disclose that personal information. So there are some rules of the road now.

Of course, then there is access by an individual to information about himself or herself that the government maintains. A lot of it will come down, I think, to what you will hear in representations, what would probably be called balancing. We have a lot of interests that are involved in this type of legislation. You have, of course, the freedom of information component and you have the privacy component.

Sometimes, is it your right to privacy that is the priority or is it the public's right to know something about you? For instance, is it what land you own that should be paramount? Is it a third party who might have a right to supply something in confidence to the government? Is it the public's right to know because there is something about that information that might have to do with the environment, let's say, something that might affect the environment?

A lot of the time you will see that there are balances in this legislation. From dealing with it for a number of years, I guess I am not sure if it is right or wrong or black and white. I guess it comes through as a very judgemental decision in the end in terms of the exemptions and what would not be available to the public as opposed to what is available to the public.

On the next slide, the primary important thing about the act, as I mentioned, is trying to get more information out. So there are two sections of the act. One establishes a general right of access to information that is maintained by each one of these institutions, about 300 of them. That is embedded in the act. The second area that tries to solidify

that is a statement saying that if information was available to the public before, but just because of one of the exemptions, "Wait a minute; it's exempt now," that is precluded in terms of the operation of the act over the last three years. It was available before and it is going to go out the door still. So it has tried to establish this broad range of access with the exception of personal information. An exception is me requesting personal information about somebody in this room as opposed to my requesting my own personal information.

So it tries to establish this broad range of access to what would be governmental and agency information.

Mr Campbell: I just want to take up where Frank left off. As Frank was just mentioning, built right into the legislation is the view that if I can get the information from a ministry without having to make a freedom of information request, or if it was always publicly available, or if there is nothing sensitive about it, that is the sort of material that should be provided. You do not have to use the FOI process.

What I want to walk you through now is just some of the mechanics of—if for whatever reason information is not available through normal channels—how the process works. If there is some sensitivity to the information or it was not normally available, the public has the right to fall back upon the FOI process to make its access request.

The process starts off with a member of the public who wants to find out about something. He has a number of resources that he can use to get himself started.

1610

If you could just show the directory there, Frank, one of the things the act requires be produced is a directory of records, which is fairly thick, as you see. It is a description of all the records and all the personal information holdings of all the ministries and agencies covered by the legislation. This is available in every ministry, MPPs' offices and all public libraries across the province. This can be consulted.

Mr Owens: Are these sent out automatically or do we have to order them?

Mr Campbell: No. In 1991, turn of the new year, mid-January, we will be issuing the 1991 version of that. It will be sent to MPPs automatically, as well as to public libraries automatically. As well, every ministry has its own FOI co-ordinator.

The individual who wants to make an FOI request can use these resources to find out what he is interested in. All they have to do then is either write a letter specifying the records or the information they are interested in, or if you look at the next page on the handout, you will just see the sample of the form that people can use. Again, this is made widely available. You do not have to use a form, you can use a letter if you wish.

I think most members of the public probably do not have a very strong sense of which particular ministry does what or how they keep their records, what forms are being used, and there may be some confusion as to: "Do I send this to the Attorney General or do I send it to the Solicitor

General? I am not sure what the report is called," whatever.

In those instances, if you submit a request that is, say, to the wrong ministry or needs to be directed elsewhere or simply is not clear enough, again, the legislation points out that the co-ordinator, in every ministry the person responsible for processing the requests, is duty bound to help the requester clarify what he wants or, if it really should have been directed to another ministry or another agency, to actually direct that request to the proper ministry, to identify where it should go for the request and make sure it gets there, and in doing so, not in any way to interfere with the deadlines that are set out in the act. In other words, the requester is not penalized for not knowing exactly how the mechanics of government work.

Once that ministry or the appropriate agency has received its request, what happens then is, that ministry has 30 days to do the following things. They have to determine whether in fact this request belongs to this ministry. They have to determine, if the record did exist, would it be here or would it be elsewhere? They have to search and find the record. Sometimes it is a single report; sometimes it is a copy of an application that gets filed in all the regional offices from Kenora to Windsor, so they have to search for these to find out where they are. They have to review, consult and determine whether any of the exemptions apply; for instance, are there law enforcement investigations here? Has this person asked for records that relate to other people whose privacy might be invaded? You have to make a decision and prepare the records for disclosure, and sometimes that means, if I have requested your file, your name and personal information might be in that and some of that might have to be severed or exempted out and then copies made and provided within the 30-day time period.

To use an example I just mentioned, if I make a request for your file, you are an affected party. The ministry may have to give notices to you to allow you to have your chance to have a say as to whether your personal information is going to be disclosed, so there is a notification procedure as well.

As I said, if that sort of thing does appear, if the information requested has this kind of material that should properly be exempted to protect privacy or protect law enforcement investigations or whatever, again, the principle that Frank was mentioning, that as much information as possible should be provided, translates in practice that the ministry has to sever out only what should be severed, whether it is a name, a paragraph or whatever and still provide as much as possible and not, for want of an offending sentence, exempt a whole report. They have to provide as much as possible.

As Frank will mention in a moment, if upon receipt at the end of that 30-day period, the person who made the request is not satisfied for whatever reason, he will have the right to have that decision appealed to an independent body. I will turn it over to Frank again.

Mr White: What you will probably hear as a committee during the representations from the public, particularly from individuals who use this type of legislation a lot, are,

I guess, complaints about the length of time it takes to respond. We have a statutory requirement to respond in 30 calendar days, not working days. Also, we will talk about complaints about fees in a minute.

Mr H. O'Neil: On the 30 days, you do get extensions or you ask for extensions up to how many days?

Mr White: What you can do is propose extensions for two reasons, and you have to make a case on the length of time. One is, consultations are required outside your ministry, or because a search is through a large volume of records. You cannot consult inside your ministry for a time extension, so I would have to go, for instance, to the association that submitted the information to consult with it. If someone complains, we have to show to the commissioner's satisfaction why it would take more than 30 days.

Mr Drainville: I am curious as to who are the people or the organizations that mostly use this access to information.

Mr White: The problem with it is the requester does not identify himself in terms of why he wants this information. If they have a right, they have a right. What ministry co-ordinators do in terms of the statistics that they prepare for us and the commissioner's office is—John Eichmanis from the commissioner's office is here today—they will do a guesstimate on who the requester is, whether it is a researcher, association, media, an individual or other, but there are so many others that it is not particularly meaningful. I guess the media, for general information requests, account for about 10% of the requests.

Mr Drainville: Does anybody have access to somebody else's material?

Mr White: There are restrictions around the personal information. Generally you would get personal information about yourself, but you are not going to get it about anybody else. But then on the great bulk of general government information, there is no restriction on who gets it.

Mr Drainville: Can a government agency, for instance, request specific information on a particular person?

Mr White: This would be somebody making a request outside the agency really, not the internal workings of the organization, let's say, a researcher who works with some market research firm who is interested in some type of environmental assessment report. So they would make a request to the Ministry of the Environment or the Environmental Assessment Board.

The other area that you probably will hear most of the representations on are the exemptions in the legislation. The examples of the exemptions are following the form. They are called limitations on access, which are of course exemptions.

I guess at first glance you would say it looks like a lot. Sections 12 to 22 deal with exemptions. A lot of those exemptions, though, contain what would be an exceptions. So, for instance, my advice or my recommendations to my deputy minister would be an exemption under the act. If I recommend you follow this course of action—not the fac-

tual analysis, options; all that can go out—but the recommendation in terms of the present act would be exempt. But there are a lot of exceptions under that.

For instance, if I have a feasibility study in a ministry, I cannot say: "You cannot have that. That has advice and recommendation, so that is notwithstanding." If I have an environmental impact statement, I cannot say, "That is advice or recommendations." So there is a long list of exceptions that make it a little bit more difficult. Also, I mentioned the specific and limited exemptions, so a lot more detail.

The other thing about the exemptions that is somewhat interesting is that most of them are not based on—for instance, a law enforcement report is exempt but it is based on a harm; it is based on something that will seriously threaten an individual's health or safety if the information is disclosed, or it would prejudice or interfere with a law enforcement matter. You will see a ministry or agency put in a position of showing that an expected harm might happen in a lot of the exemptions. It is not specific to a particular record.

Mrs Marland: I cannot think of the name of the party, but last year when we were dealing with the problems in the Ontario Human Rights Commission there was a request made to the commission by a CBC radio reporter. Part of the information that he wished to secure came under the personal category because it was dealing with her employment contract with the human rights commission. Because I was involved with that in my role as critic for Citizenship and human rights, I remember reading in the commissioner's decision that even though it is the policy to protect the personal information, in that particular case, because of the compelling public interest or the compelling argument that it was in the public interest to release that personal information, he made the decision to release it. Is that at that point a personal decision of the commissioner? Is he totally responsible?

1620

Mr White: At that point the commissioner would be responsible. He has that power to review a ministry's decision and in fact the factor that he used—there is certain information in the exemption on personal information. If I request yours, that is a presumed invasion of your privacy—part of it would be employment information—if it was released. But there are a number of factors that could rebut that presumption; one is that public scrutiny is required in this particular circumstance. In fact, he said that overrode the person's right to privacy in this particular case and ordered part of the individual's résumé disclosed to a CBC reporter.

Mrs Marland: Was that precedent-setting, that decision by the commissioner?

Mr White: It was precedent-setting in that it gave some guidance on when you could use public scrutiny as a factor for disclosing something. On the other hand, I know a little about that decision and what was actually disclosed was only the employment-related information. For instance, "I worked at Management Board for five years, I am a director of the branch and here are my

responsibilities. I worked in the Ministry of Colleges and Universities and I had these responsibilities." So is this balancing an invasion of someone's privacy, to disclose that type of information, factoring it against the controversy that surrounded the hiring practices of the Ontario Human Rights Commission at that time, particularly that individual? He has, as we will see a little later on, the final word in the situation in terms of disclosure.

Mr Campbell: I think it is also fair to say, though, that in that order he said this was really quite an extraordinary case—

Mrs Marland: Yes, he did.

Mr Campbell: —and only in an extraordinary case would the balance of factors outweigh an individual's privacy. So I think he went out of his way to point that out as well.

Mrs Marland: He did. His opinion was beautifully worded. When he talked about the compelling public interest, his opinion dealt in such an equitable way that I do not think any of us would have argued against it had it been our personal information that was being released.

Mr White: It is difficult in a lot of these exemptions, because you do have to make a case, for instance, compelling, not just public interest in terms of one of the exemptions. You have to show that you almost have no choice in terms of the word "compelling," not just public interest.

There are two types of these exemptions. There are what are called mandatory exemptions. Two examples would be the personal information and third-party information, usually of a commercial nature, that is supplied to government or agencies. If it fits within the terms of those exemptions, then the head of the institution, who is the minister or whoever the decision has been delegated to, has no choice about releasing it. They would have to refuse to disclose that particular information.

On the other hand, most of the exemptions are discretionary. So let's say the deputy or the minister said: "That is the advice of Frank White. It is pretty clear. It says, 'I recommend the following course of action.'" What the deputy or the minister could say is: "Yes, I agree with you it is exempt, but I am going to disclose it anyway. I have the discretion to disclose it." So with all the discretionary exemptions, which are the majority, the decision-maker, who is the minister or whoever has been delegated responsibility, can in fact take two steps: first, it is exempt and arrive at that conclusion, and second is to say, "Notwithstanding that it's exempt, I'm still going to release it." That is something that is rather unique about the discretionary exemptions in this particular piece of legislation.

Just to show you, actually, some of the types of representations you might get in terms of the sort of judgement that is made on this, as an example, internal audit reports, there is nothing in the Ontario legislation per se that would exempt an internal audit report. So somebody can say, "I'd like the internal audit report," as an example, "for Ontario Place," and he gets the internal audit for Ontario Place. In both the Quebec acts and the federal act, internal audit reports and working papers are exempt. So again, it is a different approach.

Another example, and this is one from a circumstance which the commissioner decided all a landlord wanted to do was obtain a former tenant's current address, but the landlord wanted to pursue it from social assistance files. That was refused both by the ministry and the commissioner. But I guess from the landlord's point of view, all he wanted to do was try to find the location of this individual to collect what was owing in terms of rent. So there are these types of different viewpoints, I think you will see, as you hear representations.

You can also get requests that will be quite voluminous. Ministries receive those. For instance, with the Ministry of the Attorney General there was a request where the requester wanted "all the information about me concerning an investigation at the sheriff's office in York county." That ended up to be about 1,000 pages of material that the ministry had to sort through and determine whether it was going to release it or not. The requester did not agree with the decision and went to the commissioner, but the requester did get a fair amount of material, actually, from that.

Or you can have something that is extremely straightforward and does not take any time to find. You could have a request, for instance, one with the Ministry of Municipal Affairs, and all the person wanted was the petition that contained the names of members of the public who asked for an inquiry into the administration of the city of Belleville.

Mr H. O'Neil: I remember it well.

Mr White: The requester actually got that, yes. So it can be quite difficult in terms of identifying the record and what is part of it, or it can be quite easy: "I want the internal audit report for Management Board secretariat for the year 1988."

Generally those are the exemptions. What we will do now is talk just a bit about the privacy protection in the legislation.

Mr Campbell: As you know, the legislation has a two-part title, Freedom of Information and Protection of Privacy. What we have just been talking about is really the first part, the access scheme, freedom of information, how people go about getting information. What I want to just discuss very briefly now is the second main chunk of the act, and that is the privacy protection area.

My view is that this is going to be one of the growing areas of interest in the 1990s. We live in a computer age and people are concerned about what information is on them on computer banks and is that information being shared. We all get junk mail and that sort of thing. I think the rules that are set out in the privacy side of the legislation are going to be increasingly more important and of interest to the public as the years go on.

What the privacy code does is it sets out, I guess, two schemes. One scheme or set of rules governs what ministries and agencies can and cannot do with the personal information that they hold. That is one chunk. The next chunk is some of the procedures and processes surrounding your getting access to your own personal information,

an individual's finding out about what is on file about himself or herself.

In the first part, the rules governing the institutions, what the legislation says basically to a ministry or to an agency covered by the act is: "Do your job, do your mandate, deliver your programs, but as you do so, simply be mindful of the privacy aspect throughout. Do your programs, but at the same time be respectful of an individual's privacy."

It sort of fleshes out that general guideline in four ways. What it says is that if ministries are going to be collecting personal information about you, they can only collect personal information that they have the authority for. They can only collect the personal information specifically necessary to deliver that particular program. If the information they are collecting does not relate to that program or if you can deliver the program without acquiring that information about people, then you do not have the authority to do so.

It also says that if I want to find out about you, I collect the information directly from you. There are a lot of reasons for that. It is more accurate, you are more informed about the collection purpose and all that sort of thing.

It also says that, assuming you have the authority to collect and you collected it properly, you can only use it or disclose it in very specific circumstances. You can obviously use it or disclose it for the purposes for which you gathered it in the first place, but beyond that, unless you have the individual's consent, unless you can fit yourself into one of the provisions of the legislation, then you should not be disclosing personal information outside the four walls of your ministry or you should not be using it for purposes other than you told the individual you are collecting it for. You should not be using it for purposes other than you have the lawful authority for. So there are some other categories in the act that says you can disclose it in these particular circumstances, but they are fairly narrow and fairly specific.

1630

The final area where the act talks about doing your job and at the same time protecting privacy is that when you store and when you handle and when you finally come to dispose of personal information, do it in a way that privacy is protected. If you are going to be disposing of files, do it in a way that the information cannot be reassembled or you cannot just plough through a dumpster and find, you know, medical files. We are all familiar with the horror stories. What the act says is, you do it in a way that privacy is protected.

These privacy rules apply whether or not a ministry ever gets an access request or not. They apply as long as you have personal information on file. Of course every agency does because, if for nothing else, every agency has employees. So that is one side. These are sort of some rules guiding ministries to be more privacy conscious and setting out some rules as to what they can and cannot do.

The other side of the privacy side—it is actually the next page in your handout—deals with the business of an individual's access to his or her own personal information.

Again, Frank was talking earlier in respect of there is a general right to information. You have this right to information. Again, the act is very explicit. You have a right of access to your own personal information. It is your personal information. The record is held and owned by the agency, but it is your personal information and you have a right of access to that.

There are some categories or some situations whereby by giving me my personal information I might be invading somebody else's privacy. We can all think of examples where in one file you will have the personal information of a number of individuals all mixed up and by giving me access to mine, if you are invading somebody else's privacy you are exposing them to harm or whatever, you may have grounds for denying me access to my own. But overall, and I think the statistics bear this out, if I ask for access to my own personal information, typically I get that.

If you do get access to your file and you open the file and you see that there is something wrong, there is an error there, the act establishes and lays out that you have a right to request that it be corrected. If you can demonstrate to the ministry's satisfaction that the information is wrong and should be corrected, then the correction happens. If not, then equally you have the right to file a statement of disagreement so that every time that file is used your disagreement comes up with the information as well. If you have found out that in fact there is a mistake and you have asked that it be corrected or you put a statement of disagreement on file there, you can insist, it is your right, to have that ministry notify the users of that file in the past 12 months of the fact that they had been using incorrect information and here is the correction.

So what you see on the privacy side of the act are some rules setting out, heightening the awareness of ministries to protect privacy when they do their job, but at the same time putting in place a formal scheme to ensure your right of access to your own personal information. That is the privacy side.

Mr McClelland: I recall, without any detail and I was wondering if you could help me with this, some controversy with respect to access of students, particularly high school students, to their academic records, and guardians and/or parents also requesting access. I am wondering if you could help me with that, because inevitably that is going to come up.

Mr Campbell: It has come up, yes.

Mr McClelland: And it will come up again. I was just wondering if you could sort of flesh that out for myself and perhaps for other new members as well.

Mr Campbell: The issue that you point out was first talked about before the provincial act came into force, and now of course with municipalities and school boards being covered, it is coming to the fore again. What the act points out is that generally the age below which the parent has access to a child's file is 16. Of course the problem then is, what about the high school student who is over 16?

One of the provisions of the legislation links up with other statutory provisions, so where another statutory

provision allows, say the school board in this case, to disclose information to the parent, then our act will allow that. The Education Act very explicitly says that the parent is entitled up to the age of 18. That being an explicit statutory provision, our act will not stand in the way. In terms of the student record, the Ontario student records, the parents will still have the right of access under the Education Act.

Mr McClelland: On the point that you make with respect to the overriding principle of the Education Act, what is the provision of the Freedom of Information and Protection of Privacy Act with respect to other legislation where it may be in apparent conflict, and what is being done or what has been done to resolve those conflicts? We have an inventory of those apparent conflicts. I know that is part of the review process. What is the general policy with respect to acts that are in apparent conflict?

Mr Campbell: Well, of course, there were a lot of statutes that had been written before the freedom of information act came into force and they would often have provisions that can be generally called confidentiality provisions. The statute would say that this particular kind of information or this record shall not be disclosed or will not be made available. In other words, it acted as a barrier to access.

Now, for a two-year grace period, actually, those provisions would still apply. Our branch, in conjunction with this committee, reviewed the confidentiality provisions that were in place, and after 1 January 1990, they all fell away, with the exception of a few that were actually carried on because there was an explicit policy reason for that to be the case. Examples would be, for instance, certain sections of the Child and Family Services Act to protect confidentiality; section 51 of the Crown Employees Collective Bargaining Act, again for the confidentiality of the records; certain sections of the Pay Equity Act or the Labour Relations Act, which again would guarantee confidentiality. Those few carry on, but as of now, the one piece of statute will determine who has the access to records.

Ms S. Murdock: Working for an MPP before I became one, occasionally when I would call ministries for information on constituents, I would get quoted this act. In other areas the case worker would not even mention it at all and would release the information. But there is nothing under section 28, I think, that says anything about MPPs.

Mr Campbell: Right. It is section 42. When you are disclosing personal information, that is what is happening here. If somebody from a constituency office will phone up a ministry and say, "Tell me everything about this individual," then you are faced with, "Well, we are disclosing personal information now."

I am not sure what copies of the legislation you have, but subsection 42(j) says that you can disclose "to a member of the Legislative Assembly who has been authorized by a constituent to whom the information relates to make an inquiry on the constituent's behalf or, where the constituent is incapacitated, has been authorized by the next of kin." In other words, you can disclose it to the MPP. If you

look at subsection 42(k), you can disclose it to a member of the bargaining agent who has been authorized by the employee.

Ms S. Murdock: Depending on what you define as authorization, right?

Mr Campbell: Yes. I think it is fair to say that in, I suppose, any new piece of legislation, early on there is a bit of, "What does it mean and how is this actually going to work?" There is perhaps a tendency to be a bit more cautious than not.

After the first few months of the operation of the legislation, we looked at this and some general guidelines were issued. Do you have to have authorization in writing, or is it clear? We have simply said that if the MPP indicates that he is acting on behalf of the constituent, his word is good enough for us. Those are the guidelines that have been issued to ministries.

Mr White: There actually was a letter that was sent around to all MPPs. Maybe we could provide that to the committee to see if it thinks it would be useful to recirculate that. It was sort of a procedure in terms of establishing interaction on behalf of the constituent, or one of your constituency workers was acting on behalf of a constituent. It really is to establish a relationship with the ministry so that it knows when this person calls, he is acting on behalf of you.

1640

Ms S. Murdock: You would not be calling them otherwise, would you? I would hope not.

Mr White: Would you like a copy of that?

Ms S. Murdock: Yes, I would not mind.

Mr White: Sure.

Mrs Marland: Mr White, is it true that it takes almost a year, or can take almost a year, to receive information if you have to file for certain information?

Mr White: The ministry or agency is under a 30-day requirement to respond to the request unless it can make a case for an extension. Maybe that would lead in to what I was just going to say, a word about the appeals and the Information and Privacy Commissioner. Generally, though, a ministry has 30 days and most requests for personal information, I think 90% or 95%, are answered within the 30-day time limit.

Mrs Marland: I am not talking about from my office, I am talking about from Mr or Mrs John Public. If they request information, can it take up to a year for them to get it? It was my understanding that CBC Radio waited almost a year to get certain information. I wondered if that were so and, if so, why?

Mr White: I think that was because of going through the appeal process. For instance in that case the Ontario Human Rights Commission responded within 30 days. There was no question about that. What happens is, and this is a good example, the human rights commission responds and says no. So what the requester has a right to do is appeal any time he or she does not agree with a ministry decision, whether it is on a fee estimate, whether it is an extension of time, if I say no, if I say partially no, if

I take out a sentence. Any time an individual is not satisfied with a ministry request, he can go to the commissioner.

The process with the commissioner is that, first, the commissioner will try to mediate between the parties, and there is no time limit on the mediation. He or she, depending on the new commissioner, is working on trying to mediate something that is satisfactory to both parties. Like the court system, there is no statutory time limit.

If a mediation is not successful, and I believe the commissioner has put a time limit on the time he will try for mediation, then it goes into a full inquiry. Both sides at that point are asked to put in written submissions, but the onus at this point is on the ministry to substantiate the exemption. The commissioner, from that process, reviews the submissions of both parties and finally comes to a decision and issues an order, which is final and binding on the parties. He will issue an order saying, "Release the record," "Don't release it," "Release a little more of it" or "I don't agree with the time extension; you've said 60 days, answer this in 25 days."

It really depends on each specific case and the amount of information that is being requested, the number of third parties that might be involved. For instance, there has been a request with the Ministry of Health for records from the drug therapeutics committee where it lists new drugs. It was the ones that are generic drugs. When you get into those minutes, what you are dealing with in each minute is a different drug company. So in fact what either the ministry or the commissioner has to do in terms of if they intend to disclose it is to go to them to find out if they want to make representation. So all of a sudden you have 60 drug companies who want to make representations on why it should not be disclosed. I think that is what might take a little longer in the process in some cases.

Mrs Marland: But that example is probably coming under the Competition Act even. I can understand that kind of information taking a long time, but is it possible to take a year to get information?

Mr White: It could, yes.

Mrs Marland: And you are saying the reason for that is because of the right of appeal. Are we saying that we do not have enough manpower to deal with it more expeditiously? It seems that if you are asking for information, to have to wait a year for it is rather counterproductive. Do we have a solution for that?

Mr White: I think that probably it might be to the committee's benefit to have the staff from the commissioner's office here to talk about the appeal process and, I guess, their view of time. I think it is their office that would be in the best position to deal with that.

Mrs Marland: They could answer the questions about why it takes so long.

Mr White: There is no time limit on the review period for the commissioner right now, there is no "An appeal must be settled in 60 days" or 30 days or one year. It is the process.

Mrs Marland: I just had one other question. As you work with the process from your area of responsibility, are

there any particular problems that you experience that you would like to make recommendations on to us so that we can improve the whole process?

Mr White: I think the best way perhaps to handle that would be at the end of the representations. The Chairman of Management Board of Cabinet may wish to make some recommendations in terms of the experience with the act from the government's point of view. I think that probably would be the best time to have the minister make those representations to you. In fact, you might want to talk with the minister at that point to discuss it, after you have the public representations.

Mrs Marland: You are saying as a staff person you cannot answer my question.

Mr White: Well, I have not prepared. I probably could list a number of things, but I have not made any preparations today in terms of, "These are the types of things that could be looked at" or "These are the priorities." I am from one of a number of ministries that are dealing with this. For instance, I am sure the Ministry of Health might have a bit of a different view than I would in terms of improvements.

Mrs Marland: Mr Chairman, I think it is very important, if we are reviewing this act, if we are going to look at helping the staff who implement it and the public who use it as an access to information, that we make the legislation work as well as we possibly can. As committee members, we would have no idea how we can help unless we have the information about where the areas for improvement lie. If we are going to have staff from different ministries—although I do not understand that aspect, because the actual working with the act comes under one ministry. But if the idea is that we have to go through the minister and all the various staff have to brief him and he has to decide how much he wants to tell us, then that is fine. I guess the process would be that the minister would be here and he will in turn refer our questions back to the staff the way we do in everything else. So I would like to be sure that quite soon we decide that we can schedule a meeting with the minister, obviously after he has been briefed, because there is no point in our doing a review unless we know—pardon?

Mr Owens: She.

Mrs Marland: She. There is no point in our doing a review unless we know where those areas of problems are and where improvements can be made.

Mr White: Yes, I agree with you. I think that is appropriate, and I think that at that point you might want some statement from the minister of what her thoughts are in terms of areas that might be improved. I think there are two areas. One is the public and its experience, and one might be the internal experience.

Mr H. O'Neil: I guess the dilemma we are under is that we are talking about ordering up the business when we sit in February and what groups we are going to have come before us or, as Margaret mentions, whether it is one minister or several ministers, what staff. I just wonder what we are getting into. Is it something that we are not

going to be able to handle in a week or two weeks? Is it something we are going to continue on into when the Legislature comes back to sit in the spring?

I guess one of the questions I would like to ask you is, if we open this up, are we going to have a lot of groups or a lot of people come to us?

Mr White: I think what would be most helpful to you, in my opinion, would be that if you want representations from the government, the minister would come forward on behalf of the government and give those representations rather than asking individual ministers.

Mr H. O'Neil: But then what about other groups?

Mr White: They are lined up. There must be 25 or 30 groups already that are lined up to appear before you.

Mrs Marland: They would probably be—

Mr White: Users.

Mrs Marland: —representatives of lawyers' associations, professional—

Mr White: You are going to find the Canadian Manufacturers' Association; you will find professional engineers, architects; you will find individuals, for instance, who are not satisfied with the confidentiality provision for adoption records.

1650

Mr Campbell: Unions.

Mr White: Yes, OPSEU.

Mr Campbell: CUPE?

Mr White: Yes, CUPE. The media will definitely be here on disclosure of information about victims. Archivists. I think you will find quite an interesting array of groups.

Mr H. O'Neil: I guess what we have to decide then as a committee is what business we are going to order for the February weeks, and then again how we order for when the House comes back.

The Chair: I was wondering if you could bring that discussion up at the end of the presentation when all the questions are out of the way.

Mr White: I just had two more slides to show you. One on statistics is next, which gives the number of requests over the past three years.

Ms S. Murdock: I want to know which ministry had 5,512 in 1989.

Mr White: I do have that information. As a matter of fact, the Ministry of Revenue had a number of requests, I think it was about 2,000 of those 5,000.

Ms S. Murdock: The Ministry of Revenue?

Mr White: Yes, and they were generally from market researchers who were doing work with property assessment information. So the situation was a little different that one year. You can see the first year there are about 5,000 requests evenly split, general records, and the personal information requests are individuals asking for personal information about themselves. The second year was quite high only because of that one situation. They are just about

the same, actually, and for the third year that is our estimate of what will be happening.

You also see the number of individuals who were not satisfied with decisions by the number of appeals: 300, 400, 600 over the past three years.

Ms S. Murdock: And yet down almost 700 in terms of personal requests.

Mr White: If anybody had asked me a couple of years ago to predict where the requests would be, I would have guessed personal information, and it has not turned out to be that way. I do not know why. It is quite different from Quebec. Quebec has a lot of personal information requests; the same with the federal government. Those are the statistics for the three years.

The last page is a page on the fees. Generally the fees involve two areas, really: photocopies—if an individual does not want to look at the original, they are entitled to a photocopy—and search time. After the first two free hours there is a surcharge of \$7.50 per quarter hour. There is no fee for individuals' access to their own personal information. If I want my own personal information, I get it, if I am entitled to it, without any charge. That takes care of almost half the requests. There is no charge for any reviewing, no charge for any consulting and no charge for decision-making time. It is strictly for searching through the record and preparing it for disclosure.

There are also waiver provisions. For instance, if a requester can make a case that the information will enhance public health or safety, the ministry could decide to waive the fee. If the ministry decided not to, the requester could go to the commissioner and complain about the lack of a fee waiver. The fees collected for 1988 are \$13,000 and for 1989 \$56,000, of which \$32,000 was from the Ministry of Revenue for those 2,000.

Mr H. O'Neil: Did that cover all your costs?

Mr White: No. It does not cover—

Mr H. O'Neil: I was just kidding.

Mr McClelland: Ms Murdock drew attention to fees. Mr White commented on the increase in number of appeals, and also Mrs Marland brought it up. I notice we do have staff here from the commission. Maybe that is an item the clerk could request of staff, that we might address specifically the mechanics of the appeal process and specific handles to assist staff in dealing with the obvious increase—double in number—and also the process and what impediment that might provide to the public; if we could turn our minds to that specifically. I wanted to get that on the record so that we will have that as an agenda item.

Mr White: If the committee would like us to come back at any time to do a further presentation either during or after the public presentations, in terms of questions, we would be quite pleased to do that, and of course we will be here with the minister when she has a discussion with the committee. Also, I have brought along copies of the manual provided to each ministry and agency co-ordinator which gives our advice on the interpretation of the act, procedures, and processes. It is also available in the Ontario Government Bookstore. I brought along copies for

the members of some flowcharts, that type of thing, sample letters in the back that might be helpful if anybody is interested in getting a little more into the mechanics or into the exemptions and what they mean.

Ms S. Murdock: Are there criteria for the waiver provisions, or is this a judgement call?

Mr White: Judgement.

Ms S. Murdock: There is still an appeal process for a judgement call?

Mr White: I think it is up to the requester, on the point of a waiver, to make the case in some fashion that it is going to, for instance, benefit public health. A waiver condition might be financial hardship: It might be very difficult for a profitable drug company, for instance, to seek a fee waiver because of financial hardship, but the onus would be on the person requesting the waiver to substantiate the case.

The Chair: Any other questions? Thank you, Mr White and Mr Campbell for an excellent presentation. I found out more about the Freedom of Information and Protection of Privacy Act today than I had known for a long time. Thank you again on behalf of the committee. Are there further questions arising out of the presentation?

Mr H. O'Neil: I can see it is going to involve quite a bit in the way of hearings and advice. When we get into these changes, we have—what?—one year. Would that be the 1991-92 fiscal year?

Mr White: Calendar year. One year from today.

The Chair: I understand; until 4 pm on this date 1991. Any other questions arising out of the presentation? Okay, we will move on.

BUDGET

The Chair: Do we want to deal with the budget?

Mr McClelland: I would like to comment on the budget. I know you want to canvass other ideas for discussion, but I do want to comment on it.

I will save my impassioned plea for some other time, but I will mention that I would like the subcommittee to consider our involvement with respect to the National Congress of State Legislators. It is something that started a number of years ago with then-member Wells, who I understand started a brief relationship through the office of intergovernmental affairs with the National Congress of State Legislators. I might add that over the years prior to my arrival here in 1987, the relationship that developed between the Legislative Assembly of Ontario and the National Congress of State Legislators was mutually beneficial in a variety of ways, including fundamentally in terms of substantive value the taxpayer would want which was gained from attendance—I can just say this briefly or I can get into much more detail—by members of this House to conventions and/or seminars offered through that body. It really came, in a sense, full circle to some maturation this spring when for the first time the National Congress of State Legislators executive held its executive meeting here in Toronto.

I state that to the new members of the committee for a consideration as we go to budget. A relationship has evolved and largely in a non-partisan way, with tremendous leadership shown by the former member for Oshawa, Mr Breaugh, who is now serving, of course, in Ottawa. I think it would be really remiss of us to allow what has evolved into a worthwhile relationship between legislators on this continent, the opportunity to exchange information, to die on the vine, so to speak.

I would ask that our subcommittee consider for inclusion a delegation. Perhaps it may be more appropriate that not everybody in the committee go. I do not know how that decision is made. A given number of representatives from each party would be, I suppose, the compromise position. I, for one, will speak very strongly in favour of inclusion of a budget item for our continued participation as members of the Ontario Legislative Assembly. This particular committee happens to be the vehicle through which we, as legislators in the province, have participated in that body. It may be perhaps the intention of the government to move that out of the Legislative Assembly committee, but it seems to me that it eventually ended up here for obvious reasons and because of the non-partisan nature of our involvement with that organization.

1700

In quick summary, without getting into the merits of it—I am prepared to do that now but I think perhaps it would be better at a later time—I would like the subcommittee to very seriously consider it and come back with some information with respect to inclusion of that as a budgetary item.

The Chair: On a point of order: This budget we are considering is only to the end of March 1991. As I understand it, the conference is being held in July of next year.

Mr McClelland: I appreciate that. I thought it may be something you would want to look at. It is just so we are advised accordingly. Thank you for that.

Mr Owens: I think Carman makes a good point. I do not think it would hurt to include the item in this budget statement if only to sensitize Management Board to the fact that we want to continue the relationship that has been established in the past.

The Chair: I think we will refer that back to the subcommittee.

Mrs Marland: Just for the record, our caucus supports the comments that have been made. Our representative on the subcommittee is now on the chair in the House; I know he would support the comments that the subcommittee review that.

Mr McClelland: Another item for consideration: I have had some discussion with Warren Bailie, the chief electoral officer of the province, and there is a particular item I will bring through our member for consideration.

The Chair: As a point of clarification, is this on the budget?

Mr McClelland: No. I am sorry. It is another item for inclusion to deal with on our calendar. I just wanted to do

that again. For your information, I will channel it accordingly through our representative.

The Chair: Would it be the consensus of the committee that we send the budget back to the subcommittee and have it address the issue raised and also include some travelling allowance in relation to the committee's work around the province and bring it back for the next meeting?

Mrs Marland: Yes. I would not include your comment about "around the province," however. I think the subcommittee can look at where this committee needs to be in order to do its job, and it may not be around the province.

Mr McClelland: Port Credit, by way of example, is a wonderful place to visit.

Mrs Marland: I do not think this committee wants to go to Brampton or Port Credit.

Mr McClelland: But you are welcome at any time.

Mrs Marland: I did read something in this large package of material sent to us that talked about a reference source in Australia and England. I cannot remember where that reference was. I know it was not included in the budget. Where did I read that?

The Chair: There is a package of background material in appendix B provided by legislative research. Appendix B provides a chart comparing legislation in other jurisdictions. You would have seen reference to it there.

Mrs Marland: I am sorry. Are you using an acronym? Did you say NXB?

The Chair: Appendix B, background information supplied by the legislative research service.

Mrs Marland: I think I had better sit closer to the Chairman.

In any case, we have an obligation to make sure that the statutes of this province that affect the people who live here are written and designed in such a way that all the processes referred to in those statutes are expeditiously dealt with. If there are improvements to be made in those matters that come under our jurisdiction, I think our responsibility is to do the kind of research that is necessary to know what improvements we can make by knowing what other people do. It is a very simple formula, and I think that when the subcommittee meets—if I can find that reference I was looking at earlier, which I cannot pull to my hand at this moment. Was there a reference about freedom of information and privacy acts in other locations?

Mr McNaught: Yes, it is the big package with the clip on it.

Mrs Marland: Can you tell me what page it was on? I have the package, but can you tell me where the reference is?

Mr McNaught: It is appendix B to that package.

The Chair: Yes, but there is also a number of countries such as the United States, New Zealand, Australia and Great Britain.

Mr McNaught: I understand the commissioner's office has a more detailed version coming when it makes its presentation to the committee.

Mrs Marland: Okay. Well, if that matter is going to be dealt with by the subcommittee, I will wait until we hear back from it.

The Chair: Questions on the budget we will refer to the subcommittee and come back at the next meeting with a budget for approval. Any other matters under other business?

Mr H. O'Neil: When will the subcommittee be meeting?

The Chair: I am hoping we can meet tomorrow morning early for breakfast or Monday morning for breakfast.

Mr H. O'Neil: Monday is maybe a little difficult with some of us coming in from outside some of the other ridings. I think last week worked fairly well. We met at what, 8:30?

The Chair: That is tomorrow morning at 8:30 for the subcommittee.

Are there any other matters under other business? Mr McClelland, you wanted to bring up some other issues?

Mr McClelland: No. I will do it more formally and appropriately through the subcommittee, but I did just want to indicate that I would like to bring up at some time in our deliberations some matters with respect to Elections Ontario and the act governing elections in Ontario. I think it is an appropriate time as well to talk about it with some experiences that members of this House might have had in the general election of 6 September. While it is fresh in our minds, it might be appropriate to turn our minds to that before the end of a parliamentary period as opposed to the beginning.

Mr Owens: As long as we can bring in witnesses who have also had experiences. I am talking about voters who were not enumerated and the horror stories. I am sure they happened in every riding.

Mr McClelland: Those are the kinds of things that I think are appropriate to deal with sooner rather than later. I am just throwing that out. If we are to deal with it, it is better to do it sooner rather than later.

Mr Owens: While the memories are still fresh.

Ms S. Murdock: Actually, I think we are getting confused here. In fact, I am doing a private member's bill on amendments to the Election Act on this very point.

Mr McClelland: I raised it again just because I have considered doing the same thing and it would be more appropriate to simply go through the committee. You will find out under standing order 54 or whatever it is that that will not be able to proceed, because there are cost implications related to any amendments, undoubtedly cost implications.

The Chair: It will wind up back here again.

Mr McClelland: It will wind up back here, so we may as well start with it here, deal with it and put our minds together. It is the kind of thing that obviously has to

be dealt with as holistically as possible. I think we can benefit from our mutual experiences, good and/or bad.

The Chair: Just before we adjourn, I would like to draw the attention of members of the committee to the legislative research service. They did an overview of the meeting that was held in January of this year, with some possible issues for review in here, part of that package you received, if we could look at it for next week.

Mrs Marland: Yes, I am just wading through it. I am honest enough to say that I have not read it.

Mr McClelland: You have had it for at least an hour.

Mrs Marland: I have had it for at least two hours.

The Chair: Any further business before the committee? Having none, the committee adjourns till next Wednesday at 3:30.

The committee adjourned at 1709.

CONTENTS

Wednesday 12 December 1990

Private bill	M-105
Organization	M-105
Freedom of Information and Protection of Privacy Act, 1987	M-108
Budget	M-117
Adjournment	M-119

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Chair: Duignan, Noel (Halton North NDP)

Vice-Chair: MacKinnon, Ellen (Lambton NDP)

Cooper, Mike (Kitchener-Wilmot NDP)

Frankford, Robert (Scarborough East NDP)

Marland, Margaret (Mississauga South PC)

Mathyssen, Irene (Middlesex NDP)

McClelland, Carman (Brampton North L)

Morin, Gilles E. (Carleton East L)

Murdock, Sharon (Sudbury NDP)

O'Neil, Hugh P. (Quinte L)

Owens, Stephen (Scarborough Centre NDP)

Villeneuve, Noble (Stormont, Dundas and Glengarry PC)

Substitutions: Drainville, Dennis (Victoria-Haliburton NDP) for Mrs MacKinnon

Clerk: Arnott, Douglas

Staff: McNaught, Andrew, Research Officer, Legislative Research Office

HANSARD REPORTING SERVICE

Room 481, Legislative Building, Queen's Park, Toronto, M7A 1A2
Telephone (416) 965-1456
Index Inquiries: (416) 965-2159
Facsimile: (416) 963-1387

Editor of Debates: Don Cameron

Editors: Alex Jenkins, *Acting Editorial Chief*;
Edward Patrick, *Editorial Supervisor*;
Karen Bennett, Liese Binnie, Drummond Burgess, John Cambridge,
Deborah Caruso, Anne Lynas, Steven Smal, Janice Spellerberg,
Sheila Wawanash, Sharon Wyatt

Reporters (Tape): Kit Anderson-Knight, *Administrator*;
Margaret Elkins, Wilda Ferguson, *Supervisors*;
Jean Andrews, Sandra Arrizza, Peggy Brooks, Carolyn Brown,
Arlene Cedilnik, Sharon Chalupiak, Karen Fischer, Margaret Grobicka,
Timothy Humphries, Kathleen Oram, Arleen Oostwoud, Chantal Perron,
Mary Sutton, Lorraine Wills

Reporters (Shorthand): Pat Girouard, Beth Grahame, Carol McIntosh,
Maureen Murphy

Reference: Teresa Kerr, *Reference co-ordinator*; Miro Drobnjakovic

Index: Elise Sloga, *Chief*; Estelita Chan, Lynda Middleton

Editorial Assistants: Bob Bubba, Corrine Marnoch, David Woodruff

Printer: Eamon Kade

Secretary/Receptionist: Lorraine Cohen

Messenger: Tom Grahame





M-12 1990

M-12 1990

ISSN 1180-436X

Legislative Assembly of Ontario

First Session, 35th Parliament

Official Report of Debates (Hansard)

Wednesday 19 December 1990

Standing committee on the
Legislative Assembly

Organization

Semi-Annual Review: Clerk of the
House

Réseau Ont. Parl Network

Assemblée législative de l'Ontario

Première session, 35^e législature

Journal des débats (Hansard)

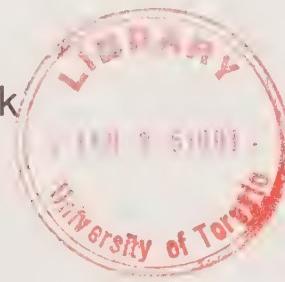
Le mercredi 19 décembre 1990

Comité permanent de
l'Assemblée législative

Organisation

Présentation semestrielle des
responsabilités du greffier

Réseau Ont. Parl Network



Chair: Noel Duignan
Clerk: Douglas Arnott

Published by the Legislative Assembly of Ontario
Editor of Debates: Don Cameron

Président : Noel Duignan
Greffier : Douglas Arnott

Publié par l'Assemblée législative de l'Ontario
Éditeur des débats : Don Cameron

Table of Contents

Table of Contents for proceedings reported in this issue appears at the back, together with a list of committee members and other members taking part.

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Languages in Hansard

Hansard reports all debates in English or French as spoken by the participants. It does not translate remarks made in either language. Headings and tables of contents reflect language use.

Subscriptions

Subscription information may be obtained from: Sessional Subscription Service, Publications Ontario, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, Ontario, M7A 1N8. Phone (416) 326-5310, 362-5311 or toll-free 1-800-668-9938.

Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 965-2159.

Langues paraissant dans le Journal des débats

Le Journal des débats rapporte en anglais ou en français les débats, selon la langue utilisée par les participants. Les remarques faites en l'une ou l'autre langue ne sont pas traduites. La langue des en-têtes et de la table des matières reflète la langue utilisée.

Abonnements

Pour les abonnements, veuillez prendre contact avec le Service d'abonnement parlementaire, Publications Ontario, ministère des Services gouvernementaux, 5^e étage, 880, rue Bay, Toronto (Ontario) M7A 1N8. Par téléphone : (416) 326-5310, 326-5311 ou, sans frais : 1-800-668-9938.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday 19 December 1990

The committee met at 1546 in room 151.

ORGANIZATION

The Chair: I would like to call the meeting to order. Thank you for attending. We will begin with the report of the subcommittee on committee business dated Thursday 13 December. Has everybody received a copy of that report? The first item of business on the subcommittee's report is a review of the committee budget.

"Your subcommittee recommends that provision for travel outside of Ontario not be included in the 1990-91 fiscal year. Your subcommittee further recommends that the Board of Internal Economy be advised of the committee's intention both to continue its long-standing association with the National Conference of State Legislatures, and to seek budgetary approval in the 1991-92 fiscal year for committee attendance at that annual meeting of the NCSL."

"Your subcommittee recommends that provision be made in the 1990-91 fiscal year budget for travel to Ottawa to consider the following matters: freedom of information and protection of privacy; provision of services and facilities for members; and security."

Are there any questions or comments?

Mrs Marland: If that is the best they can do, I guess we have to support it.

The Chair: Mr O'Neil moves the approval of the budget. Any questions or comments?

Motion agreed to.

The Chair: The third item is the notice and schedule regarding the freedom of information comprehensive review. There are a number of recommendations regarding the direct mailing on that, such as, "all who previously contacted the standing committee on the Legislative Assembly re FOI; lists of contacts to be requested from members of the Legislative Assembly committee"—that is going, if I am not mistaken, to all members of the House as well. Is that correct?

Clerk of the Committee: That can be done also.

The Chair: And "lists of contacts to be requested from: freedom of information and privacy branch, Management Board of Cabinet; Office of the Information and Privacy Commissioner."

Are there any further lists that anyone would like to add to that? Is there concurrence on that? Okay.

"Your subcommittee further recommends that the committee delegate to the Chair, assisted by the clerk and research officer, responsibility for scheduling witnesses during the FOI review hearings proposed for February 1990." That should read 1991. Is there concurrence on that?

Mr H. O'Neil: Was that for both weeks?

The Chair: That is for the first week. Is that right?

Clerk of the Committee: It was for the first week of February and the last week of February, if required.

Mrs Marland: I am supporting the report of the subcommittee based on the understanding that we will then make decisions later in the year about other scheduled hearings and other witnesses dealing with the review of the freedom of information act. This is only dealing with February, until March. There may be other witnesses and other locations we need to review and be part of in order to complete a comprehensive review of a very significant piece of legislation in the province.

The Chair: I agree. This is just for the first two weeks in February. The rest of the year is a whole different question.

Mrs Marland: I am supportive of all the recommendations on that basis.

The Chair: The fourth item from the subcommittee:

"Your subcommittee recommends that the Chair of the committee send letters to all members of the Legislature asking for their suggestions and input with regard to committee review of the following matters: services and facilities for members; security; freedom of information and protection of individual privacy."

A draft of those letters is now being circulated to all the members.

Item 5: "Your subcommittee recommends that, in compliance with the order of the Board of Internal Economy dated 14 September 1987, the committee Chair schedule the Clerk of the House and the Sergeant at Arms to appear before the committee at its next meeting on Wednesday 19 December 1990, in addition to the director of broadcast and recording services."

That is happening today. Is there concurrence with those recommendations?

Agreed to.

Mr Owens: I have one fast question on the issue of staffing. Will that be included in this review?

The Chair: Whatever you feel is important to you as a member can be indicated in your reply to the committee.

Mr Owens: It will be at that opportunity that the issue of staffing will be addressed.

The Chair: I suspect so.

The second item on the agenda, the fiscal year committee budget, has been approved, so we move to the third item on the agenda, the administration of the House and provision of services to the members.

Mr H. O'Neil: That letter we are talking about sending out to the members has on it the use of credit cards in the members' dining room lounge. That has already been

okayed, has it not? Why would we put that into this draft letter?

The Chair: They were the previous items reviewed, which included the following. That just gave an example of what was reviewed and approved. That was the last time.

Mrs Marland: Because we do have the bank machine now, too.

Mr O'Connor: Maybe you could highlight what has been already looked at and is available now, just to let them know that is available, with, "Any other suggestions you have, please forward them."

The Chair: We will do that. I was not aware of the fact that there was a cash machine here at all. Maybe we need to circulate those new improvements.

Mr Owens: The location of the bank machine would also be of assistance to members. I happened to fall on it one day while I was losing my way through the tunnel.

Mr McClelland: The point is, and it might just be added as a concluding paragraph, that essentially the role of this committee with respect to members, among other things, is to facilitate the conduct of their business in any way it can. If it could be worded in such a way to say that it is our job to be servants to our colleagues, to assist, and use those by way of example, which I think is very helpful to allow people to see the range of things that are discussed; but then just take it a step further and say: "Whatever else comes to your mind. There is really nothing that is not worthy of being brought here for our consideration if one of our colleagues feels it appropriate." To summarize, just to say to people that it is an open invitation: "If it is of interest or concern to you, it is a valid item to bring to this committee."

The Chair: Good suggestion. Are there any other questions? I would like to move to item 3.

SEMI-ANNUAL REVIEW: CLERK OF THE HOUSE

The Chair: I would like to welcome the Clerk of the House, Mr DesRosiers.

Clerk of the House: Thank you, Mr Chairman. Congratulations on your election.

It is an honour for me to appear before you. For those of you who are new members, this is normally a biannual thing. I normally appear before this committee twice a year, to answer your questions mainly and your concerns, and usually it turns into some good discussions. I have no prepared statement, Mr Chairman, but if you wish I can go into something, if you give me an indication, or I can speak about things around here if you want. I would just like some indication from you of what some of your particular concerns are so I am not wasting your time.

Mr H. O'Neil: Rather than you asking us what we would like to ask you, maybe we should ask you about some of the things around the building that you would like to see changed. How is that for an opener?

Clerk of the House: How much time do you have? Thank you for the question, Mr O'Neil. To set the frame, I guess, I will go back a number of years. I have been here

four years. I came here from a very different milieu in the House of Commons in Ottawa. I had been there for a number of years. I arrived at the Parliament of Ontario, which from my point of view had—and this is no criticism on anybody, my predecessor or anything. That was the way things were run. I remember very distinctly answering this type of question when the committee—this committee, actually, which interviewed me for the job—asked me what kind of Clerk I would be. I said they were hiring a deputy minister and that I intended to try to act that role around here and try to influence how the place was administered and so on, but always with the basic philosophy which is mine and which I try to instil in all of my staff: if you find a staff member who has not heard this yet, please report him or her to me because I would be interested. The philosophy is that we are all here to serve you. There is not to be a big bureaucracy and we try to act as quickly as we can to answer your requests and concerns.

Mr O'Neil, to address your specific question—what are some of the items that I think should be addressed around here?—a lot of things have been started in the previous Parliament that I hope are going to continue to go forward in this Parliament. The building itself had not been paid any attention to at all for a very, very long time, and the previous Parliament, the previous House, had decided to create a special committee on the parliamentary precinct, a special committee of the House which was co-chaired by the Chair of the standing committee on the Legislative Assembly and by the Speaker. Its membership was made up of a member from each of the parties; therefore, it was a five-member committee. It was a special committee of the House. Unfortunately, as happens to all committees, especially special committees, it lapsed with dissolution. I am hopeful this committee will be re-created and will be able to continue the work that has been started with renovation and restoration of the building.

Mind you, because the committee is not in function right now does not mean that there is not work going ahead. Mrs Speakman, the executive director of the assembly services directorate, has a budget approved by the board which goes a long way to maintaining the building now with a plan, so hopefully the building will not fall any more into the disrepair that had been left to happen in the years past. That is one of my major aims, to try to encourage this renovation, this restoration of the building to continue, but still and always with the proviso that any restoration, any renovation, any redirection of any part of this building be made with the members in mind, after having consulted them and as an expression of their wishes.

1600

Mr H. O'Neil: Who is it that appoints that committee? In other words, if it does not exist now, who—

Clerk of the House: Technically speaking, the House appoints that committee by a motion moved in the House. That motion would come out of the House leaders' meeting.

Mr H. O'Neil: Is that something the Chairman should bring to their attention right away, to make sure that committee is reinstated?

The Chair: On that point, I approached our particular House leader today to see if we can get that motion through before the break. I met with the Speaker this morning. He would like that subcommittee to meet some time in January.

Clerk of the House: It would be very helpful if that could happen.

Mrs Marland: Mr DesRosiers, with some of the, as you have well described, overdue restoration and renovation—last week I saw them measuring the halls for the carpets and measuring the grand staircase for the carpet. I took the time to stop and ask the people who were measuring if this meant we were finally getting new carpet. I was very encouraged by that. I know the difficulty for you and members of a committee making recommendations is always the cost factor, but there are some very basic needs in this building.

The only reason I bring this to your attention now is that if you are in the process of doing something which this could be included in before our committee gets together and makes further recommendations, I just want to bring to your attention the fact that we have 130 members in the House who, when the House is sitting, have access to two washrooms. Speaking as a woman, I am thrilled that we have more women in the House now than we have ever had before; I think now we have 28 of the 130. But last week when we were sitting until midnight, and I realize that is an exception, but even with normal sitting hours, do you know that it is virtually impossible to tolerate the two existing washrooms we have adjacent to our lobbies, our east and west lobbies?

One thing that is very severe is that even the two that exist—I cannot speak from recent experience to the one on the other side of the House, but I am sure it is the same as ours—are not even well maintained in their current condition. As a female, I object to sharing those washrooms with males, although I have sons of my own. I just feel that if it is at all possible—I do not know where you are with your budget or where we are with our budget as members to make an improvement in the next three months—to add in the existing space another washroom, even if we added one female washroom that the women from both sides of the House could use. Frankly, I object to using a unisex washroom after males, and I am saying that as a woman. Everybody uses that washroom. The Ontario Provincial Police use it—I do not know what number of OPP staff use it—and I would not mind if there was more access or if we could have one that was solely female.

It seems almost ridiculous to be talking about a washroom at this point in this committee, but it is something that has not been resolved in my almost six years here. When we are so short of time and we have such a tremendous responsibility to serve the people in this province, it is ridiculous that something as basic as that has not been addressed before now.

Clerk of the House: Mrs Marland, I do not know if we have a ready solution for you. I certainly cannot promise you that this will be done during the break. What I can promise you is that we are already looking into that matter. There is no question that you are absolutely right in that the existing facilities are definitely not satisfactory.

This might not be satisfactory as an answer to you, and I realize that, but in the long-term plans there are two more washrooms planned there. That is not the answer you are looking for; you are looking for something a bit more immediate. We are looking at that as well. I have had discussions with the Speaker and with Mrs Speakman about this and we are looking into the possibilities right now of seeing what we can do right away.

Mr Owens: In conversation with our chief whip this morning the subject of washrooms came up. There is some mention—and maybe the Chair, along with Mr DesRosiers, can go forward on the suggestion that may be made to the Board of Internal Economy—that the current cavern called the washroom for males only on the second floor be subdivided to provide facilities for both male and female members. Clearly the washroom situation is appalling, and whether it is male or female, I do not particularly enjoy having to use the same washroom that 750 other people are using either. I think you are quite correct that the facilities are not maintained to our obsessive-compulsive standards, but I think that if we can go forward on that suggestion that the chief whip made today, perhaps we may address some mutual concerns here.

The Chair: Maybe that is a suggestion we can follow up and present to the Board of Internal Economy. I understand they are meeting next time in January.

Clerk of the House: It is not a proposal that would have to go to the Board of Internal Economy. There is a management advisory committee here. The Board of Internal Economy would look at things that would be more major than that. I think what Mr Owens is talking about is something that is already under consideration. It is basically a commonsense solution, which is made more evident, as Mrs Marland said, by the increase in the number of female members. That is something that can be adequately covered in the maintenance budget here and then could be looked at very easily.

The Chair: Maybe the two of us will work on that and hopefully when we come back in March that problem will be resolved.

Mr Owens: I do not think it is a gender issue, whether it is males or females. Clearly it is an issue of utility and dignity that we need to look at.

Mrs Marland: Well said.

Mr H. O'Neil: Are you going to touch on other matters too within the building that you would like to see?

Clerk of the House: As I just touched upon briefly here, we do have a management advisory committee that meets every week to consider administrative matters within the building. On that list, just from memory here, there are some items that we are looking at that would be of interest to all of you, I am sure; for example, telephones.

There is a new telephone system coming in some time in the new year. It is well under way. I think, offhand again, the deadline there for completion would be April. So that is well advanced.

For your information, there was a motion passed at the Board of Internal Economy last week which went away from the necessity to have a specific guideline on the number of sets that members would be allowed, with the full realization that members do not all work with the same style, shall we say, with the same needs, do not all serve the same size of population or the same kind of constituency. Some are urban, some are rural. In other words, the realization is there that you do have different needs, and therefore the board has accepted a recommendation that the new phone system go ahead without specific guidelines. That will be forwarded to you.

Mr H. O'Neil: Could I touch on that just for a minute? Is there any discussion in that area on fax machines in members' offices?

Clerk of the House: Fax machines, you see, used to be complicated by the number of lines that you were allowed. Therefore, if you were already occupying the full number of lines as a member, you could not dedicate one of those lines to a fax machine. The question of the fax machine, I think, is answered by the budget itself, by your office budget, but the tricky part of it was the office line. That has been answered and in the new phone system that will no longer be a problem.

1610

Around the building as well, as I recollect what our agenda deals with regularly, there is an ongoing issue with the status of the elevators around here. That is being looked at and all the elevators are going to be replaced. Obviously, we are not going to replace them all at the same time. There will be a rotation. We are starting in areas that cry out most for the need. They have all been pronounced as having seen their last useful moments, and that will be going ahead quite rapidly.

Mr H. O'Neil: What is the timing on that?

Clerk of the House: I do not know offhand but I can check on that with Mrs Speakman. She would know the exact time. I think they are going to start with the west wing on the replacement, but I am not positive about that.

Other items around the building: There is a major refit of the restaurant and cafeteria going on. As you know, what our very dedicated staff down there do or are asked to do daily for the members and the staff in preparing meals is something that my wife certainly would not stand for, and I would not stand for when I go into my own kitchen, I tell you, and my kitchen is nothing to crow about. But what they have to work and bear with down there is really awful. So that major refit is going on there and that will be ready for the reopening in March. But there will be no disruption, really, for the period that it is going on.

Mrs Marland: Is that just the kitchen? There are not any changes in the cafeteria area out front for the members or the staff?

Clerk of the House: No, there are no specific changes there as yet, but all the refits of the kitchen will help serve the cafeteria as well. Whatever is being done for the kitchen will be adequate. Part of that work is going on for the cafeteria as well. But there is no planned expansion of the cafeteria area right now. That is an area which will be looked at eventually. That would be in the major plan which the precinct committee that I talked about earlier would be looking at. There is not much space down there to increase capacity. So the members of the precinct committee will have to be looking at different areas of the building maybe to solve that. But that is not for me to discuss. That is for the members themselves, through the precinct committee, to look at.

Mr Owens: Two questions: One, what type of retrofitting is going on within the kitchen? Two, I have heard rumours, or we have all heard rumours, about the re-establishment of a smoking area within the cafeteria.

Clerk of the House: On the second point, I can assure you that has not been discussed at all. There has been no discussion to my knowledge either at the management advisory committee or at any of the subcommittees or indeed of the board, of permitting a restricted area for smoking within the building. The policy is non-smoking throughout the building, and that stands. There is no move at all afoot in any part of this organization and I have not even heard the matter discussed. This is the first time I have heard it discussed.

Mr Owens: It sounds like wishful thinking on the part of some members, I guess. The issue was about the wall that separates, I guess it is the cabinet dining area, from the rest of the folk.

Clerk of the House: It used to be that the little room off the rear of the restaurant there, in the interim when we were fiddling around with smoking and non-smoking, was the smoking area. No, actually it was the non-smoking area. It was the other way around. The board and the management advisory committee did discuss at the time the policy was adopted whether or not there should be provision for smoking or non-smoking in parts of the building, and the cafeteria and the restaurant were discussed at that time, but the management committee decided at that time that if a policy was going to be adopted or recommended to the board for adoption at that time, the management advisory committee would not recommend a halfway measure, that it would go all out, and the board decided to agree with that.

Mr Owens: I can see you are quite exercised about that.

Clerk of the House: I am an ex-smoker. As Clerk here, when it became evident that such a policy was going to come forward, I decided to quit smoking two months before the policy was adopted. So there. I cannot even say that I followed the policy. I went ahead of it.

Mrs Marland: I feel for the staff who work in this building, most of whom work very hard and work very long hours and most of whom, for that reason, do not have time. They do not have an option of even going over to the Whitney Block, which in fact has a far more

comfortable—it does not have any ambience to speak of, but it has the space and the room and everything else that an employees' cafeteria should have. I think that those staff who are locked into this building, along with ourselves as members, do not enjoy somewhere that is accessible for them.

I recognize the space problem downstairs, but a very simple, inexpensive renovation so that those staff in fact do not even have to feel—if they eat on the inside, it looks and feels like you are eating in the kitchen, frankly, and if you eat on the outside, you are eating in the hallway. A very simple renovation would be just to build a greenhouse effect outside in that hallway; take the wall up a little higher and put the greenhouse enclosure so that at least you would not feel, when you are sitting there, that everybody else who is running back and forth doing whatever they are racing to do, including the post office and the noise and everything there—frankly, to sit outside there, I always think, gosh, there is all this dust and stuff floating around that is blowing in and landing on my food.

That is not an expensive renovation and it certainly would aesthetically be much nicer and something that I think could be done fairly quickly. I really do feel for the staff in this building who have to eat down there.

Clerk of the House: I completely agree with you. As a sidewalk café, it really does not rate in my book. I can only say at this point that your suggestion, which is an extremely useful one and I thank you for it, is noted. We will look into the feasibility of that. That is a very good idea. Thank you.

Mr Morin: Were there not rumours at one point that the restaurant was to be relocated to the fifth floor because of the problems you were facing with the kitchen and everything? The cost of the kitchen is normally three quarters of the price of the whole restaurant. Was that considered at all?

Clerk of the House: Contrary to the rumour that was floated, supposedly by Mr Owens, I have heard that rumour, but actually it has never gone forward. What is a possibility, and that will be for the members to decide, is that at some point the restaurant will change its venue, will go someplace else, will leave the basement and come out into the sunlight. When that happens, quite a few things will become possible. Now, what the time frame on that is or if that happens at all will be for the members to decide, again through the precinct committee.

What is being thought of there, the idea, is that nothing happen piecemeal. You see, this is a 100-year-old building. This is another project that will be interesting to talk about, because this building will be 100 years old in two years, during the life of this Parliament. Hopefully things will be organized so that you can all participate in the celebration of the 100th anniversary of this building.

To answer Mr O'Neil, this is another of the matters that we are discussing, but in a very preliminary manner and there is nothing specific on it right now.

This is a 100-year-old building. There is an architect on board. He is a heritage type architect. He has been here for nearly a year now, about 10 months I would say. His name

is Julian Smith. He was hired by the board. He is a heritage expert who has a lot of experience in the Ottawa area working with older buildings there, with the East Block and the Rideau convent refit in the art gallery. So this person is here, and what this person is doing is looking at the building as it was designed and as it was conceived. The plan that will be going forward to the members will be this type of thing, so that the members will have something they can decide upon.

1620

Also in that plan will be probably a proposal to reintegrate all of the members who might have offices outside the building back into this building. As you know, the precinct right now—and this has been a very severe problem that we have been dealing with for the last three years. It is coming to a head now and coming to a very fruitful solution, thankfully. This has been the general space problem here. The Office of the Assembly has employees on Bloor Street, on Bay Street. Employees who serve you in the library every day are situated very far from here actually. This is a ridiculous situation. The precinct was defined three years ago as this building and the two first floors of the Whitney Block. The problem has been that we have not been able to get our space in the Whitney building. The first two floors have not been made available to us. We have known that they are ours, but we have not been able to move people like the Ministry of Natural Resources out of there, we have not been able to move the Attorney General's people out of there. I am not complaining about this now, because it is happening. It is going to happen within the next three months. That space will be made available to us, which will permit us to move most of the staff that is presently in this building into the Whitney building, to recuperate the people who are in the LuCliff building on Bay Street and some people on Bloor Street, to recuperate them and bring them into the Whitney building so that we will have all the people who work for you close by. But this building will be able to be dedicated to the members, with a few exceptions—I do not plan to move—a few staff exceptions that have to be close to the chamber. Apart from that, all the staff will be moved over there, and that is starting right now. That is starting during this break. So the space problem as we have talked about it for the last three years is coming to a solution, and not too soon.

Mrs Marland: Can I just support what my colleague Mr Morin is saying? If there is to be a major expenditure on the kitchen in the basement—and frankly, it is a huge laugh when you invite people here to have lunch and you say, "Would you like to come down and have lunch in the members' dining room?" to take them down that atrocious little narrow stairway and into the opposite of ambience where that dining room is located. I think the point is very well made by Gilles that if we are going to consider relocating the dining room, would it not be better to postpone the kitchen and do it all at once, because the kitchen is the major cost?

If we were looking at taking over—I do not know where all the big spaces are, because we do not use them any more in our party, but room 228 and all those large

rooms, wherever the area would be, that would finally mean taking down walls and partitions and so forth, I am sure. The idea of making this building for the members, we all support 100%. It should be for the members, but at the same time, if it is possible to move something from upstairs down into the space occupied currently by the dining room and the kitchen, which is not very much space, I wonder whether now is the time to do it, before we build a new kitchen down there.

Clerk of the House: That point was taken into consideration very seriously. The points that you make are very good ones. The fact of the matter is that the decision was made to go ahead with the refit because we are talking about new equipment here and that equipment will be used in any new location. The amount of money that will be spent is not especially for redesign of cupboards or what have you, but is mainly equipment and so on.

Mrs Marland: So it is transportable.

Clerk of the House: It is all transportable.

The Chair: On that particular point, I understand the amount of money is about \$220,000 and all the equipment is mobile, so if the dining room is located elsewhere that equipment can be moved.

Mr Morin: I had also heard that at one point one suggestion made was to purchase a home for the Lieutenant Governor, for his residence, and use his quarters as a restaurant. Did you ever hear that?

Mr H. O'Neil: You mean you are going to touch that one?

Clerk of the House: I am known as a very candid person. Yes, I have heard that rumour as well. If you ask the Lieutenant Governor, he would happily move. I think if you had asked the previous government, it would have gladly moved the Lieutenant Governor. I think if you ask this present government, it would gladly move the Lieutenant Governor. It is a question of how you do that type of thing. That is not for me to say. Because the Lieutenant Governor is the symbol of the Queen here, it is for the government to make that decision.

If the Lieutenant Governor did vacate the Parliament Building, it would be good because it would be good for the Lieutenant Governor, it would be good for the institution and it would be good for a whole lot of things. It is not the best of things to have the Lieutenant Governor in the Parliament Building. If that happens, if the Lieutenant Governor does vacate the premises, then that permits a whole matter of things. That of course would be a possible solution for a restaurant and so on. But that, again, would come through the precinct committee and through consultation process with the members.

Mrs Mathyssen: I wonder, if the Lieutenant Governor's suite was redesignated, would that create problems with official functions that are now held there or would there be another space for that?

Clerk of the House: There would have to be other space for that. Ideally speaking, I think governments will tell you that public functions would probably be better held elsewhere. That is not a very good reception space. It

is very nice living quarters, which is not used for that purpose. It is very small space for the type of entertaining that has to be done by a government. This is not parliamentary entertaining; this is government entertaining. A government is limited in the type of entertaining it can do with the space it has.

As you probably know, that two-storey apartment was the apartment of the Speaker beforehand. If it were restored to the use of Parliament, because that is to the use of the Legislature, then the House would decide what it would do with it. It could be partly entertainment and partly Speaker's quarters as well, but that is for the members to decide.

The Chair: Any further questions? None? Thank you very much, Mr DesRosiers. On behalf of the committee, we wish you all the best for the festive season and a prosperous new year.

Clerk of the House: The same to you. Thank you for inviting me. It has been a pleasure. À la prochaine.

1630

RÉSEAU ONT.PARL NETWORK

The Chair: The next item on the agenda is the report on the television broadcasting system. At this point I would like to welcome Mr Somerville, who is going to give us an overview of the television service of this place.

Mr Somerville: If you give me a few seconds, I will distribute my paperwork.

The Chair: Welcome, Mr Somerville. The floor is yours.

Mr Somerville: As with my boss whom you just spoke to, it is a pleasure to be in front of the committee again. I wish I had had more notice of appearing before you. I would have hopefully prepared more information. I have taken the liberty of putting it in a three-ring binder, hoping you will hold on to the binder and as I get some of the facts I am missing today, I will supplement and send them on to you.

The first item in there is a letter called Preview which really outlines the history of broadcasting and recording at the assembly here, which was introduced on 14 October 1986. It is one of the better broadcasting systems in any legislature throughout the world. In fact, we are the model for most legislatures that have put television in in the last four years. We have had delegation after delegation of parliamentarians coming through looking at the system and taking up most of the items that you see and hopefully enjoy working with.

I will not go through any of these items in detail. If you have any questions on them, you could perhaps stop me and ask the specific point. This brochure is also given out to schoolchildren and people who are interested in broadcasting. It is very basic information on the system.

Behind item 1, I have listed some of the hours we have done. These hours and statistics you see listed there are up to the end of November. You can see the House proceedings that we do live and committee proceedings live if the House is not sitting, then repeat broadcasts of the House or

of committee, for a total of 767 hours up until the end of November.

The audio House recording profile of broadcasting people: We also do all the audio recordings for all committees and public meetings in the building. We have recorded 372 audio meetings that were not televised.

Our broadcast schedule is from 1:15 to 11:30 on Monday and then, as you see, Tuesday from 10 to 11:30. Any time the House is sitting we are broadcasting live and then we repeat the broadcast of the afternoon session in the evening. On Friday we replay all committee recordings that were not broadcast live or that we could not broadcast the day after. We try to broadcast every recording we produce within the week it was recorded.

For example, if we recorded a committee meeting on Monday afternoon, we would rebroadcast that on Tuesday morning, being that the House does not sit on Tuesday morning. So we rebroadcast Monday afternoon's committee meeting on Tuesday morning starting at 10 o'clock.

The times you see here are approximate. As you know, the House can run late. I think last Thursday night we finished replaying about 3 o'clock in the morning. We will try to get everything replayed on the week it happens.

Mr McClelland: Margaret knows because she was watching.

Mr Somerville: And hopefully enjoying.

Mrs Marland: Are you kidding?

Mr Somerville: Our repeat broadcast on the Sunday, we repeat the first 90 minutes or up until the end of question period every day. So that is four 90-minute segments that make up the Sunday afternoon broadcasting. I was very pleased with that. It was a request from the public which called and sent a few letters saying, "Why don't you have some of the parliamentary proceedings on a Sunday afternoon?" With the previous Legislative Assembly committee, we decided this should be done.

Mrs Marland: This is a serious question. Why would you run something until 3 o'clock in the morning? Do you think our public are that keen?

Mr Somerville: I would not like to be the one who decides when to stop and when to cut it off. I made the decision with the past Speaker that we do not interrupt any play. If we start a replay, we will go until it is finished.

Mr Morin: And people do listen.

Mr Somerville: Yes, they do.

Mr Morin: They do listen. You would be amazed.

Mrs Marland: But last week when the House sat until midnight three nights, are you saying that you start to rerun it after midnight?

Mr Somerville: When the House sat until midnight we did not start a replay that night because we would have been replaying until 11 the following morning.

Mrs Marland: That is what I mean.

Mr Somerville: No, we did not replay on the nights when we sat until 12. But the night that we finished at eight o'clock, we started the replay, which did finish at two

or three in the morning. My goal is to get as much of your debates as I can on the air and out to the public.

Mrs Marland: Could I just ask you, since you are talking about the broadcast schedule and you are talking about it starting at 1:15, I notice that we now have something quite new and different at 1:15. In fact, some days we have these outside shots and I like what is being done. I am just wondering how difficult that has been. I notice that there is something on the monitor here.

Mr Somerville: That is the Christmas card.

Mrs Marland: Oh, that is the Christmas card.

Mr Somerville: That was a summer project the staff took on to keep fairly occupied. Each member of staff was given the opportunity to produce 60 seconds' worth of video about the building and we have eight of them now that we rotate through the system. It is like a small promo for the Parliament and the building and we hopefully show it in all seasons and all different bits of the building.

Mrs Marland: It is excellent. It is really well done. I have really enjoyed watching it. Are you also going to go back to including in that time slot a similar format to what you had before, explaining the House with shots—

Mr Somerville: Yes. As soon as the Speaker gets time on his agenda, it is on the calendar to produce another introduction to the assembly with the new Speaker. You will find, when I get to another item in the book here, that this is a major production goal we have during the next three months, to update all of the previous recorded video with the new parliamentary members in it. We have to change premiers and speakers and all of the proceedings, which is a major job because most of our programs are built around the members and when the members change it is almost creating a new program. Do you want me to move on a bit faster?

The Chair: Our talk is running late here. I wonder if you could just continue to make your presentation and we maybe will hold off questions until the end.

Mr Somerville: I will just briefly mention TVOntario and La Chaîne française. They are still welcome partners with us that repeat the question period in their evening schedule, normally about 11 or 11:25, and they have a repeat broadcast of the question period only. That is of benefit to people who are not on the cable system who still have to have antennas and pick up the signals off the air.

The major innovation that happened just a few weeks ago was the live captioning. That was a huge innovation and a major step forward for this Parliament and any Parliament. In fact, we are the only Parliament in the world that is doing live captioning, a major undertaking and very successful.

With the indulgence of the members who have seen it before, I have a seven-minute recap of the broadcasting service. It would probably save some time if I could show it in its entirety, with your approval. Some members will have seen it before, but you may get some points from it. This is one of the programs we have to change some of the faces in.

[Video presentation]

1645

Mrs Marland: I did catch the new edition today and I just think that we should be so proud of our in-house staff. That is such a professional production, everything that they have done. It is of particular interest for me because I was on the committee that went across Canada and to a number of places in the United States when we first were reviewing the possibility of having electronic Hansard in this House. I guess it is four years now or so that we have had it. I am very proud of the talent of the technical and administrative staff who have run our electronic Hansard for the last four years and who have the ability to put together those kinds of presentations that we now have. They have really excelled and I think we are all very appreciative of that.

The Chair: I think I echo everybody else on the committee with the same sentiments.

Mr O'Connor: As a parliamentary assistant, I am not located in this building, I am up at St Clair and Avenue Road. I know members in here can have some Hansard recalled and programmed up to their office. I wonder how you duplicate a similar service for members not located here.

Mr Somerville: Ongoing for the last two years, I have been working with the Ministry of Government Services, trying to find ways of getting the signals to ministries that are outside the Queen's Park complex, which for television distribution runs from this building to the west side of Yonge, south of Wellesley and north of College. Anything outside that area is not covered on the in-house system. We are getting much closer. In fact, we hope to have a solution by March, by the time you come back. There is a new technology that just came on the market maybe nine months ago called multichannel microwave distribution system, so we are looking into having one transmitter located somewhere in the centre of the Queen's Park complex that will take in areas within a three-mile radius of the Parliament here. Hopefully you will get all nine channels and become an ardent viewer. If I could just make a point on that video, it mentioned that the caucus communication departments use the video and edit. At the moment, most of the caucus video and communication departments are not up to full speed or full staffing in that department, so we are still sort of negotiating and getting things done between us, but that will happen in the near future. There were major changes in all parties in the communications departments, and it takes everyone a chance to break it in again.

Mrs Mathyssen: What time is the news broadcast in the morning?

Mr Somerville: At eight o'clock and 9:30, but I have this in another item.

Mr Villeneuve: I am sorry I was not able to be here sooner, but I was in the chair in the Legislature.

There have been concerns brought to me by people out in the rural part of Ontario who do not have access to cable and are not likely to have access to cable. That may be beyond your mandate. I believe they receive it through the normal TVO general broadcast or telecast. The problem is,

those who want to see question period—and I am surprised how many want to see question period—have to wait up until midnight. It goes from midnight until 1. They seem to think there would be more opportune timing for question period. I am surprised, again, at how many people deem it an education, if you will, and some may call it other things, to watch question period. I would certainly like to initiate, either from this committee, from your guidance—and I happen to be one of the Friends of TVO from my party—but we have to look into a better or more opportune time for many who want to see question period. You do an excellent job, I feel, at broadcasting it. I have been told on a number of occasions that our quality of broadcast is superior to that from Parliament Hill and I think that is a feather in your hat, sir, but we need a more opportune time for those people to see question period. Can you give us guidance?

1650

Mr Somerville: I would suggest that this committee contact TVO directly. I did about two and a half years ago when we tried to get them to extend their televised coverage from the House to more than question period. At that time they turned that offer down. It is at no cost to them. We have the cables between here and TVO and we transmit the signals to them and then they broadcast them to the public, so there is no cost to them involved in doing what you suggest. If you could change the programming schedule, it is a purely internal matter for TVO.

I am not surprised at the numbers. I too get lots of phone calls from people who tell me it is too late.

Mr Villeneuve: Mr Yeager, would it be in order for us to express the concerns? I do not know whether there are other members from rural areas expressing the same thoughts, but I have certainly had that expressed to me in the last month or so. I wonder if this committee could possibly discuss it with TVOntario or put a suggestion forth.

Mr Yeager: The clerk might be better able to answer that, but I would expect the committee can invite anybody it wants from TVO, or anybody else, to discuss this matter. There is probably market research that is available to all the television stations which would tell how many people are presently watching the broadcast either directly from here or indirectly by TVO or the French network. So that type of thing could probably be arranged.

The Chair: On that particular point, maybe I can take it away and I will discuss it later with the clerk and see if we can come up with some answers.

I have a question, if you do not mind. It arose out of a meeting of the chairmen of the committees and the clerks this morning and it was in relation to split screening for signing. There was some concern expressed that it was not happening in this particular room.

Mr Somerville: We did that on one occasion with the past Speaker. He did not think it was in our mandate to do that. Since then there has been some discussion among the members, in particular this committee with its previous members, and they thought this type of coverage should be extended. We have technically no problems in doing it, we

just need the Speaker to give the go-ahead. We are technically capable of doing it. With your direction, I will approach the Speaker and hopefully we will be in business by the next meeting.

The Chair: Is it the wish of this committee to approach the Speaker to do that?

Agreed to.

The Chair: You have the permission of the committee.

Mr Somerville: Okay.

If you want to move on to the second index there, I have just laid out the budget for the 1989-90 year, and I am in the process of preparing the 1990-91 year, which will be almost identical and, if you can believe it, probably a few dollars cheaper than last year.

The administration covers salaries and office expenses, telephones, everything. The TVO one is rather a misnomer there. That includes our satellite rental fee, which is the major expense for broadcast and recording services. We have very little control over that. It is a federally controlled satellite run by Telesat Canada and we just pay the going rate. We have the satellite, we have a dedicated channel to the Parliament which we are on all the time, 24 hours a day, 365 days a year. It may seem extravagant, the number of hours we use, but it is by far the cheapest way. If we go as the full-time user that we are classified as, we get a much cheaper rate than if we were an occasional user. For the first session in 1986 we were an occasional user and it cost us almost as much as it did for full-time use for 12 months of the year. That cost includes satellite rental, maintenance, operation of the total uplink.

The closed-captioning services you see are—what we did in the past was delayed captioning. We captioned during the afternoon break and then we replayed programs at night with captioning on them. Now, as you know, we have changed to live captioning. I am preparing a budget for next year, but it will not be very much different from the current budget.

The electronic components are to keep the plant operating. We are into our fifth year now. Probably electronic components have a lifespan of seven to eight years, so we are beyond our halfway mark. In fact, during the recess we will be putting new picture tubes in all the cameras in the chamber. They are showing the worse for wear. You may look at the pictures and think, "Oh, they're good enough," but they are not quite good enough and we have to spend a lot of time every morning now trying to get them to look the same so that no matter which camera you are taken on, you look the same, so that you do not look as though you have an illness on one camera and look fine on another. That is becoming more and more of a chore, so hopefully when you come back in March you will see a marked difference.

The tape stock, that is the one I hope to save some money on next year. The cost of tape has gone down since everybody now has home VCRs, and the tape market has expanded so the prices have dropped. Hopefully we will see some saving there. All of the tape that we record on goes to the archives, so it is not a replenishing amount. We

store the tape in this building for two years and then after two years we run out of storage space. It goes to the archives, where it is maintained for ever. I am pleased to say that we are now getting calls for tapes back from three and four years ago. They may come back to haunt some of you members, but for me it is reassuring that the system is being used and videotape is being used by broadcasters and the public and television programmers.

Mr H. O'Neil: From whom would you get a request like that?

Mr Somerville: We get requests from all the broadcasters—CBC, CTV. There have been a couple of specials on some of the members in the new government, which drew tapes out of the archives. We get one or two requests a month for tapes at least two years old.

Mr Villeneuve: Is there a charge for them?

Mr Somerville: No, there is no charge. The companies supply a blank tape and they pay any dubbing charge, but there is no charge for getting access to the tape.

The Chair: I was just wondering if we could hold questions until the end of the presentation as the clock is running late.

Mr Somerville: On the committee room audio system, this is an ongoing thing. Last year we replaced all the equipment in committee room 1, and I will go back to the board in March for funds to replace room 228 or committee room 2. I would like this committee's guidance on which room it would like to replace next. We are favouring 228, being it is the largest room at the moment, so any input and guidance I can get from the members who use the facilities is great.

Also, while on the committee facilities, a project that I have worked on unsuccessfully for a couple of years is trying to replace the furniture in the committee rooms and trying to come to a much more manageable design in furniture, a simple design that can accommodate the electronics. The electronics are built into these desks and we are continually having to take them out and unwire the desks, which are connected to each other. There must be a better solution. If I can get any help to get that done—last year with the previous committee's assistance, I took it to the board to replace the furniture, but unfortunately it was not funded at that time. It is not a major expense, but I think all committee chairmen have to get together to decide what they would like in the way of furniture and the seating arrangement.

The Chair: On that particular point, again, the committees' chairs in the meeting this morning indicated that a letter will be written indicating to do something about the furniture in the committee rooms. Hopefully, we can have some action on that soon.

Mr Somerville: Great. TENO, the television extension in northern Ontario program, has been ongoing for the last three years. This is the current budget, which will not be spent this year. They have been delayed with weather and for multiple reasons. There have been a lot of delays in the CRTC approvals of this licensing and they were just granted a year's extension on Monday night by the Board

of Internal Economy. So that budget will be carried on to the 1991-92 budget and hopefully the program will finish on 31 March 1992. Are there any questions on the budget?

1700

The Chair: Are there any questions on the budget?
No.

Mr Somerville: Item 3 is really just a very basic satellite plan. I get quite a few questions from the members, "How far does our satellite go?" If you look at the inner circle on that top map, our satellite coverage at the moment is cut off somewhere between Winnipeg and Regina. That does not say you cannot get a picture, but it is a weak picture. It is fair in Winnipeg and weak in Regina. That is where our coverage sort of falls off. Come the summer of 1991, we will be able to cover all of Canada in that major circle you see. We will be changing our satellite from Anik C to Anik E II, which is a stronger satellite, a newer satellite which will be launched in March. Then we will have complete Canada coverage, so when you are on vacation in Vancouver you can watch us working back here.

The bottom is just a simplified drawing but it may be of interest, being the Premier's statement today. The satellite can be accessed from anywhere in the province. It does not have to be in a major city or suburban area. You can get it on the back of a truck and touch the satellite from anywhere in the province. Once you are on the satellite, it truly is broadcasting throughout the province or, as of the summer of 1991, we will be throughout Canada.

The next drawing I have here is a very basic diagram of how our system works, being we have cameras in the chamber, cameras in the Amethyst room, this room we are in and cameras in the media studio, which are all fed into a master control room where we then divide up the signal and send part of it on to the satellite via TVO, part of it to our in-house channels you see here, to the press and the media gallery. We feed them a slightly different signal from the one you see in your office, being there are no members' names, there are no party ridings on it. We give them what you call a clean feed. They can put their supers or your titles on whenever it suits them and the picture. The other line goes to the Bell TOC, television operation centre, where any broadcaster can access the signal, American broadcasters, British broadcasters, they just have to call Bell up and say, "I would like a feed of the Ontario Parliament." That can be accessed through the Bell television centre.

The down links you see are the cable companies that normally have satellite dishes tuned to the satellite, which receive our signals and then pass them on to the home viewers. I have put a box there for individual receivers, who could be people in the rural communities with a satellite dish in their gardens or whatever. All our stuff is public.

Next to that I have a list of all the cable companies in Ontario that carry our signal and the channels they are on. You may find this useful when you are out in the riding; you can look up the company or the town or city and you would find out which cable company operates there and which channel the Parliament should be on. I would ap-

preciate, if you run across any mistakes or errors in here, or some cable company breaks down, your telling me on the telephone as soon as you can. Then I can get on their case and find out what has happened.

Interjection: Your home phone number?

Mr Somerville: If you get that desperate, yes. We had a couple of problems after the recess with one particular television company. I think they got a new technician who went around retuning all the programs and he tuned in the French channel. As you know, we broadcast in English and French, so he tuned all the English out and people all over the St Catharines area were receiving us in French. I had to get the phone call before I could make the correction there. That is what the next six pages are, the companies throughout the province that carry us. You see we go to 97% of the cable companies in the province.

If I can move on to item 4, the in-house distribution you are probably familiar with, all the things we put on, I am open to suggestions if you have a good idea or something you would like done. Mrs Marland was saying to me she likes the news digest, if she can get in at 8 o'clock to watch last night's news. As you know, at home you can only watch one television station. If you come in early to work you can watch all local TV stations. We edit nine news channels and take all the political items out so you can watch them all in the morning.

Mr H. O'Neil: What time is that again?

Mr Somerville: At 8 o'clock and 9. If the news digest runs long on a particular day, we delay it until 9:30. So 8 o'clock the first time, then at 9:30 we repeat it. That is on channel 8 and 58. I put a daily schedule about three pages down from there. You have a breakdown of the in-house distribution, just some of the highlights we put on, and then I have shown you your television menu or television fare.

I have given you a sample. This is our internal sheet with our program for the day, or for the week. Come January, I will be adding more programs. You saw one on the British Parliament there. I will add that to the television menu in January. I know everyone has been too busy to worry about what they do in Britain. But starting in January I will be playing more information things from Britain and from Washington that I think you would be interested in.

Mr H. O'Neil: You are talking about channels 8 and 58 here in the building.

Mr Somerville: Yes.

Mr H. O'Neil: Can any of this stuff be picked up outside the building?

Mr Somerville: Only within the Queen's Park complex. If we go and get this small distribution system, it still will be only picked up within government buildings. The specific building up on Bloor Street or St Clair will have to get a special receiver to receive these signals.

We are just at the moment, and by the time you come back will be improving our news information channel. We are just integrating a new computer into the system which has much more exciting graphics, I think, and we will be

putting other items on it, so hopefully you will pay more attention to the channel. I am finding out that people are used to the same information coming out, so I am looking for ways to make it more relevant to your daily work. Items that will be on it in the near future will be the leaders' schedules and the Lieutenant Governor's schedule. So we will tell you daily what the leaders are up to, what meetings they are up to.

This is some of the information we will be putting on come January. This also will be broadcast to the public. I get complaints from the public that we do not do enough. They would like to know more of the business that is happening and would like to have advance notice of what bills are going to be debated that day. As soon as I get the information from the Clerk's office at 10 or 10:30, then we will put that on the new system.

[Video presentation]

1706

Mr Somerville: This is all produced in-house with our own staff. We can schedule someone two or three hours to do it between committee hearings or whatever else you are involved in. Also, I will be putting a telephone machine on the system so that people can phone in 24 hours a day and we can collect the calls and get back to them in the morning.

These are some of the items you are interested in coming up. This will be in-house service. We would not broadcast this. Again, here is your news digest. This is advertising the television system. On channel 8 you will see these programs. There is the hot new item. We will have the dining room menu on.

So that is it. If you would like just to go on there, I will briefly mention the video productions. I said earlier it would be a major editing job to update everything to change the faces in it, also a major job that I get from all the television stations. Over the last years I have compiled a stock shot tape of 30 seconds of every member of Parliament. We are taking you off every time you get up and we list them on a tape alphabetically and then I send free copies to all the television stations. So there is at least 30 seconds of you in action in the House. That is your stock shot tape and, as I say, there is the major editing job of updating all our programs to show the 35th Parliament in action.

If you go to item 6, that is just a very brief list of our dub requests and these are—

Mr H. O'Neil: Could I go back to what you were talking about, the video productions again, because some of us have cable shows in our own ridings, we can pick up any of those and sort of do an introduction to them and use them.

Mr Somerville: Oh yes, I would be pleased to give them. Also, I briefly mention, at least two of the caucuses are not set up with the media department yet and we have been sort of assisting them in providing material. This has increased our workload, but I am sure it will fall off once the departments get organized.

In theory, working for the assembly broadcasting and recording service, we cannot be seen to be working in-

dividually for a member, compiling a television program for him. We can give you excerpts of your own work on the floor or in committees, but I could not compile a specific program for a member. For example, I could not make you a cable show program but I can give you the material for a cable show. You have to come up with the date and the time of your speech and I will give you that speech on a blank tape that you supply, then you take it to the cable company and it will package it for you.

Mr H. O'Neil: What you have here is the video productions of all the news digests.

Mr Somerville: Yes.

Mr H. O'Neil: You would provide the news digests for a particular day or a week?

Mr Somerville: Yes, we provide the news digests daily. We record all the news during the evening, all the early news broadcasts, and then I have someone who comes in at 7 o'clock and edits all the political items and compiles them—it is usually 40 to 60 minutes long—and then we replay them in the morning at 8 o'clock.

Mr H. O'Neil: Do you say there are tapes if somebody wanted to borrow that tape?

Mr Somerville: Well, the news digest, I would have to get the broadcaster's permission.

Mr H. O'Neil: I see.

Mr Somerville: They have never refused but I make a point of always asking them on every request.

The Chair: Again, perhaps I could beg the indulgence of the committee members to hold their questions to the end of the presentation. His talk is running late and the Sergeant at Arms is late with his presentation.

Mr Somerville: The dub is very easy to understand. That is just the number of dubs we do on a specific month, and as I have mentioned there could be 90 seconds which is a member's statement, as you know, or it could be a complete committee meeting. We have had to dub a few of them. That is an enormous job because videotape has to be dubbed in real time. If you have any call for a dub or you see some dub coming up and you would like a copy of this committee, if you can tell us ahead or organize it with your own caucus or have a VCR in your own office, we can assist you in making the recordings. If you come to us after the fact, if the committee sits for 18 hours, then we have to spend 18 hours with a person supervising two machines for 18 hours. It is a lot of time.

If you go to item 6, there is another diagram there, B, and I have placed it in with the technical, a couple of paragraphs that I have there.

During the summer we replaced all of the audio facilities in committee room 1 to be identical to the ones in this room. For new members, this room was similar to 228 and all the microphones and the speakers on your desks are new. Also, there is the muting switch, which is a privacy button if your microphone is on and you can get that by the red light. If you would like to cut it off yourself, you just have to hold this button and that will cut off your microphone. I will demonstrate it now.

I have seen members on television and they grab the mike and the members used to have to cover the mike to cut it off. Now you have this muting button so you can cut the mike off yourself if you want a private conversation with your colleague next door.

Also, in this room we put in, and I have noticed members using, the infrared system. If you want to listen to this committee in English on channel 1, if you would like to listen to the interpreters on channel 2 or else the House broadcast on channel 3, it is a matter of plugging in the earpiece and then you can tune it in.

We seem to have lost a lot of the importance of this. Members used to like to listen to the House but now you can read it on the captioning and keep up. It is of great value to opposition parties that do not have a lot of members and are spread so thin; they have to be in committee and in the House at the same time.

For members' information, that was brought around by this committee which came to me with the proposal and said: "We would like to do this. We have to be in two places at once. How can we solve it?" I said, "The system being what it is, this is the solution." We put this on the infrared audio system and also installed television monitors in all committee rooms. This is the sort of feedback I need from this committee to look after the members' interests to get things done.

I briefly mention in the last paragraph on that page that the equipment is getting old and so our costs of maintenance will go up over the life of this Parliament, even to the cost of replacing some equipment. I think that in two years we will be into another recording technology, hopefully videodisks, something that takes up a lot less space than the current videotapes, but I have been delaying any decision on that until the new technology gets settled in.

I have put in a copy of an old article, "Will The Government Get Good Ratings?" That is really a very technical article on the system, but it is still true. All the things that are mentioned there are still currently in the system and in use. If you have to write a paper or give a technical talk, there is lots of material in there that you could pick on and should feel free to use.

On item 7, this was another item that continually was brought before this committee, use of our transponder, which is another word for a satellite transmitter. When the House was not sitting we have had applications from different groups that would like to use the time on the satellite. Commercially at this time it is worth anything from \$600 an hour to \$1,400 an hour, so if the committee or the Speaker decides to give the transponder to an interested party, then you are saving it a fair amount of money and also giving it the opportunity to broadcast throughout the province.

Last year we had three applications, two from the one group. We have had an ongoing agreement with the Wawatay Native Communications Society over the last four years. They used two hours of satellite time, as you can see there, on Saturday from 1 until 2 and then on Sunday from 6 until 7. They broadcast at these hours. It involves no work or cost to the assembly or to any of the staff who work for me, and these broadcasts are in the

native languages, in Cree and Ojibway. The program quality I cannot say enough about. The change in four years has just been tremendous. They have done a marvellous job, the people who work for Wawatay, and produce very credible programming.

The other application, from the Ontario Cable Telecommunications Association, was one that it brought to us, wanting to get on the satellite to broadcast a program throughout the province. They had a joint production group within the association and they made a program on the environment that they thought all of the province should see. They proposed to use the satellite as a distribution network.

The committee thought that they were a commercial enterprise and that they should be able to find the facilities within their own means and turned them down on that. They turned them down on the grounds of the guidelines, of which I have put a copy at the end of this section 7. These are ongoing rules and guidelines that the committee has stood by. I think they are fairly good guidelines. They were developed by this committee in the past and they have worked for us. I would recommend that you carefully consider them. There was a lot of time put into them. I think they are very good guidelines.

Another item in that section 7 is a letter I just received yesterday from the Wawatay native society that in the past came before this committee and asked for transponder time. You can see that this is a letter of intent. He says that he would like similar times as we gave him last year, which was four hours in March and four hours in June, and continually ongoing use of the satellite on Saturday and Sunday. He is also asking for a piece of an audio channel on the satellite.

The satellite communications are quite unique. We have one video channel, but we have seven audio channels. That comes as a package. We use English on one channel and French on another, but we do not use the other five channels at the moment and this Wawatay native society is asking for the use of one of these unused audio channels. You will see in the letter that they want to do some communications into schools and teaching native languages. But there is no rush on this item. He would like a decision probably by March and it would be at this committee's discretion.

I truthfully have not raised this with the Speaker yet. The past Speaker's procedure was that I would take this letter to him with a report from me, and then in the past he usually referred the matter to this committee which then guided him on the decision. I do not know whether the new Speaker will treat it the same way, but I will be taking this letter. It just came in today, but I thought I would bring it to your attention in case you have to do some House business to consider this matter.

1720

Item 8 is a breakdown and a summary of the television extension in northern Ontario project, which I brought for your information. At the back of it are all the districts, councils, small towns and cities that have benefited from the TENO project. It is a project to get television into northern Ontario where it is not economical for either

commercial companies or small towns or bands to bring television in. The project is to bring the Ontario Parliament and the two TVOntario channels as a package. We share the cost of it. The Board of Internal Economy and the Ministry of Northern Development share the cost. The board and the assembly pay 39% of the cost, with the ministry paying 61% of the cost. It is very successful and a further year's extension was approved by the board on Monday just past.

Item 9 I think wraps it up for me. Thank you for your time and your patience. If you have any questions, I will be pleased to answer.

Mr H. O'Neil: A very short one to facilitate the members. If members are getting up, they know they are getting up to ask a question in the Legislature. What is the best way to handle that if you want to take that and get it back to your own TV stations?

Mr Somerville: If your caucus is not set up to record it for you, then give me prior warning. Say: "I'm going to get up and ask a question today. I'd like a copy of it." You would supply a tape to me. We will put it in the machine and you can have it the moment you sit down. That is the best way to get it done. It saves our time, it saves machine wear and tear and you can have it immediately you are finished speaking.

Mr Cooper: You have productions in planning here. Have any of them started yet, and the ones that have, are you doing them all in-house?

Mr Somerville: All in-house, yes.

Mr Cooper: They are being done here.

Mr Somerville: Yes. The only time we go outside is that I usually go outside for a narrator or to rent a piece of equipment. On occasion we have hired a director, but 99% of it is done in-house.

Mr Cooper: Are they ongoing now or are they still in the planning stages?

Mr Somerville: They are ongoing. These are make-work jobs. When the House is not sitting or we run out of committees to televise, then we get into our production mode. We do not produce as fast and as often as I would like, but we are at the call of the House and committees. The productions are filler jobs.

The Chair: Thank you for your presentation here today. On behalf of the committee, the best of the season and a prosperous new year.

Mr Somerville: Thank you. If the members would hold on to this binder here, I will pass more information to you. As with the last committee, if I see articles that I think you would be interested in, on legislative broadcasting or the media, I will send you copies and you may want to keep them in this binder in the blank item 9 or 10. Thank you for your time.

The Chair: Our next item of business is dealing with security. I would like to welcome to the committee the Sergeant at Arms, Mr Stelling. Before we begin the presentation and ask questions, this part of the proceedings is normally held in camera and I would entertain a motion to that effect right now. It has been moved by Mr Owens. All those in favour? Agreed.

The committee continued in camera at 1725.

CONTENTS

Wednesday 19 December 1990

Organization	M-1
Semi-annual review: Clerk of the House	M-4
Réseau Ont.Parl Network	M-18
Continued in camera	M-39

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Chair: Duignan, Noel (Halton North NDP)

Vice-Chair: MacKinnon, Ellen (Lambton NDP)

Cooper, Mike (Kitchener-Wilmot NDP)

Frankford, Robert (Scarborough East NDP)

Marland, Margaret (Mississauga South PC)

Mathyssen, Irene (Middlesex NDP)

McClelland, Carman (Brampton North L)

Morin, Gilles E. (Carleton East L)

Murdock, Sharon (Sudbury NDP)

O'Neil, Hugh P. (Quinte L)

Owens, Stephen (Scarborough Centre NDP)

Villeneuve, Noble (Stormont, Dundas and Glengarry PC)

Substitutions:

Morrow, Mark (Wentworth East NDP) for Mrs MacKinnon

O'Connor, Larry (Durham-York NDP) for Ms Murdock

Clerk: Arnott, Douglas

Staff: Yeager, Lewis, Research Officer, Legislative Research Office